

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
REGULAR SESSION 1976

IN TWO VOLUMES

VOL. II



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JERE BEASLEY, Lieutenant Governor
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ROBERT T. CROWE, Speaker Pro-Tem of the House
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WITH AN INDEX PREPARED BY THE
LEGISLATURE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1976 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Agnes Baggett
Secretary of State

ALABAMA LAWS**And Joint Resolutions****REGULAR SESSION 1976**

Act No. 537

S. 685—Gilmore, McMillan, Clemon,
Ellis, Vacca**AN ACT**

To provide for the deposit of money of any county having a population in excess of 600,000 according to the last or any subsequent federal census in state depositories in demand deposits and in time deposits, open account and to provide for the payment of interest on that money deposited in time deposits, open account; to provide for the payment of interest so earned into the County Treasury to the credit of the General Fund of any such County; to provide for the posting of security for such deposits in excess of amounts insured by Federal Deposit Insurance Corporation; to prescribe penalties for violations of this Act; and to repeal inconsistent laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Treasurer, as directed by the governing body of any County having a population in excess of 600,000 according to the last or any subsequent federal census, may deposit the money of the County in any bank or trust company designated as a state depository according to law, so long as said bank or trust company agrees to pay interest on a portion of said money as provided herein.

Section 2. As much money as may be needed for current operational purposes of the County government, as determined by the governing body of any such County shall be maintained at all times in the County Treasury in cash or in demand deposits with state depository banks. The County Treasurer, as directed by the said governing body shall apportion such demand deposits among state depositories, giving due consideration to the activities of the various accounts maintained therein, the reasonable value of the banking service rendered or to be rendered the County by depository banks and to the value and importance of such deposits to the economy of the communities and the various areas of the County to be affected thereby. The County Treasurer shall also take into consideration the reserve requirements prescribed by law relative to demand deposits and time deposits.

Section 3. The County Treasurer shall place such County funds as are not needed for immediate operational purposes with-

in a sixty-day period on time deposit, open account. If operational obligations permit, the amount placed on time deposit, open account in any state depository shall be substantially equal to the amount maintained therein in net collected balances on demand deposit during the preceding thirty days, after deducting therefrom any amounts transmitted to or received by said depository in connection with its services and actions as paying agent for bonded indebtedness of the County, its agencies and instrumentalities.

Section 4. The County Treasurer, as directed by said governing body, is authorized to execute contracts with the state depositories covering time deposits, open account, provided that no funds may be withdrawn from said account except upon thirty-day notice in writing or for the minimum period of time prescribed by applicable banking regulations then in force and effect.

Section 5. Interest shall be calculated on the basis of the contracts existing with respect to time deposits, open account and shall be payable quarterly to the County Treasurer and by that officer paid into the County Treasury to the credit of the General Fund of the County. In the event of an emergency, the Treasurer is authorized to comply with applicable banking regulations in order to receive all or any portion of the funds placed on time deposits, open account on shorter notice than the agreement provides and to forfeit such amount of accrued and unpaid interest as may be required by such regulations.

Section 6. All County money deposited in State Depositories in demand accounts and time deposit, open account shall be secured as required by Title 5, Section 119, as amended, and Title 55, Section 379, et seq., Alabama Code 1940; provided, however, that for amounts deposited in time deposit, open accounts and in demand accounts there may also be accepted as security for said deposits bonds and other securities issued by any agency or instrumentality of the United States of America; and any general obligation bonds or securities of any of the various states of the continental United States or any of the various states of the continental United States or any of their instrumentalities which have a rating of "A" or better by Moody's Investors Rating Services, Inc., New York City, or any successor firm to that corporation. Also, any general obligation bonds or warrants of any county or any municipality of the State of Alabama; also, warrants or securities of any county secured by a pledge of the special road, bridge and public building tax authorized by Article 11, Section 215 of the Constitution; also, bonds or warrants of any county or city board of education secured by a pledge of taxes levied under the authority

of Constitutional Amendment III or any other constitutional amendment authorizing the levying of special ad valorem taxes for schools, or secured by a pledge of county or city sales taxes; also, any gasoline tax anticipation warrants secured by a pledge of gasoline tax revenues derived from the gasoline excise tax levied by the State and distributed to counties under Code 1940, Title 51, Section 655 or 657, as amended or under any law that may be enacted by the Legislature of Alabama in the event of the repeal of the said code section; also, electric, natural gas, sewer, and water revenue bonds issued by any municipality of the State of Alabama or any board created by or with the consent of any such municipality. To be eligible to secure county deposits revenue or limited obligation bonds or warrants must have a current average annual debt service coverage of at least two times. No security shall be required for the amount of any deposit or account to the extent said deposit or account is insured by Federal Deposit Insurance Corporation. The County Treasurer is authorized to disapprove any security offered or pledge as collateral.

Section 7. Any person who knowingly demands or receives any fee, compensation or reward or who demands or accepts directly or indirectly as payment or gift, or otherwise, any sum of money or other thing of value as an inducement or in return for the placement of any funds or for assistance either directly or indirectly in securing the placement of any monies of any such County in time deposit open accounts, demand accounts or otherwise, shall be guilty of a felony, and upon conviction shall be imprisoned for not more than three years or fined not more than \$3,000.00 or both, and in the event the person convicted is an officer, agent, or employee of any such County he, or she, shall be dismissed from office or discharged from employment.

Section 8. Nothing herein contained shall be construed to modify, amend or repeal the provisions of Title 12, Section 91(2), Code of Alabama of 1940, relating to investment in direct obligations of the United States of America. All other laws or parts of laws in conflict herewith are hereby repealed.

Section 9. The provisions of this Act shall not apply to funds subject to withdrawal by a county official, county department or county agency other than the County Treasurer.

Section 10. This Act shall become effective on the first day of September, 1976.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 538

H. 1042—Jackson (F), Smith (J), Holley

AN ACT

Relating to all counties having a population of not less than 34,000 nor more than 34,800 according to the 1970 or any subsequent federal decennial census; to provide further for the fees of the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 34,000 nor more than 34,800 according to the 1970 or any subsequent federal decennial census, the coroner shall be entitled to a fee of \$20 for each inquest or other investigation and certification of the cause of death and 15¢ for each mile traveled in the performance of his duties. Any such fees shall be in lieu of the fees previously authorized by law.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of law which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 539

H. 1090—Folmar

AN ACT

To provide for purging the lists of registered voters in Pike County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Pike County is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all persons who are deceased or nonresidents of the county, or have otherwise become disqualified from voting in Pike County, shall be removed from such lists, and that the name of each qualified elector shall appear only on the list of qualified electors for the beat in which he resides.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors of the county the name of any person who fails to reidentify himself, in the manner prescribed herein, before the first day of January, 1978. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to re-registration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote.

Section 3. Prior to the November general election of 1976, the board of registrars of Pike County is authorized and directed to commence reidentification of the qualified electors of the county. The members of the board of registrars shall meet as provided by law at least once, and more often if necessary, and remain at each location at least one day from nine o'clock a.m. until four o'clock p.m. for the purpose of enabling qualified and registered voters to reidentify themselves. The board shall give at least ten days notice, by advertisement in all newspapers of general circulation published in the county, stating the time, date and place where they will meet. Upon failure to give such notice, or to appear as notified, after like notice, they shall fill new appointments. The board shall remain in session for thirty (30) days. During such session the board shall visit each location on at least one day and the remainder of the time may be divided as the board of registrars deems necessary, to enable the qualified electors of the county to appear and reidentify themselves in the manner provided herein. No voter shall appear and reidentify himself except as provided in this act.

Section 4. Each member of the board of registrars shall receive ten dollars per day from the county general fund, for each day's attendance upon the special sessions of the board required under the provisions of this act; but if such special session is held on the same day a regular session is required to be held under the laws of this state, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor, and Commissioner of Agriculture and Industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.

Section 5. A voter may reidentify himself in any one of the following ways: (a) He may reidentify himself by appearing in person at the office of the board of registrars and

answering such questions and submitting such proof as may reasonably be required by the board of registrars or one of its duly authorized employees to establish his identity and place of legal residence and that he has not become disqualified from voting in such county. (b) He may reidentify himself by filling in and mailing to the office of the board of registrars the completed answers to such questions as may reasonably be propounded and mailed to him in a written questionnaire by the board of registrars, or on a form which board of registrars shall cause to be printed in all newspapers of general circulation published in the county. Such questionnaire may contain such questions as are reasonably necessary to establish the identity of the person signing such questionnaire, the place of his legal residence, and that he has not become disqualified from voting in such county. All answers to such questionnaires shall be signed by the elector in the presence of at least two witnesses who shall sign his answers as attesting witnesses. (c) He may reidentify himself at the general election of 1976 or at any election at which he votes during 1977 Or 1987 (or any tenth year thereafter), by filling out and signing answers to the questionnaire prepared by the board of registrars in the presence of a clerk, manager or returning officer at such election. Such clerk, manager or returning officer shall sign the answers of such voter as an attesting witness. The returning officer shall transmit all such filled in and signed answers to questionnaires to such board of registrars. (d) Any voter who has been purged from the list of qualified electors for failure to reidentify may reidentify himself on any election day at the office of the board of registrars by appearing in person. He will be given a certificate to take to the polls in order to vote on that day.

Section 6. The board of registrars shall meet on the first Monday in January 1978, for the purpose of purging the registration lists and the names of all persons who have failed to appear and reidentify themselves in the manner herein prescribed shall be stricken from the lists, provided, however, that said board shall not strike the name of any person, or of the spouse of any person, known by any member of said board, or made known to the said board by the written affidavit of another qualified elector, to be in active duty of any of the armed forces of the United States of America, and to be stationed, or to be living with her or his spouse, as the case may be, outside Pike County, Alabama, during the period of time from the effective date hereof to January 1, 1987.

Section 7. Any qualified elector of the county who shall have his name omitted or removed from the list of qualified electors in the county by failure to appear and reidentify himself as herein provided shall be entitled to have his name

restored to the list of qualified electors by appearing in person at the office of the board of registrars, or at the office of the judge of probate, and answering such questions and submitting such proof, under oath, as the board may require to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county. Provided, however, every qualified elector must have reidentified himself at least 10 days prior to the election at which he offers to vote; provided further, however, that this act shall not be construed or applied to impair or deny the right to vote in person or by absentee ballot of any person or of the spouse of any person, now a qualified elector of said county, who is in active duty of any of the armed forces of the United States of America and stationed, and, as to the spouse, who is living with her or his husband or wife as the case may be, outside of Pike County, Alabama, during the period of time from the effective date hereof to January 1, 1978.

Section 8. The court of county commissioners of Pike County is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, printed forms, stationery and newspaper advertisements necessary for the reidentification of voters as herein provided.

Section 9. The questionnaire to reidentify a voter shall be in substantially the following form:

VOTERS REIDENTIFICATION QUESTIONNAIRE

Pike County, Alabama

Date, 19.....

Name.....

First Middle Last

Legal Residence Address

Street

City or Town

State

Date of Birth Sex.....

I now vote and I am a qualified elector in precinct or Beat No., Box No. County, and I have not been disqualified from voting in this county. I am not a qualified voter in any other county in the State of Alabama or in any other State in the United States.

I have resided in Precinct or Beat No. for the past months.

Signed.....

Signature of Voter

Sworn to and subscribed before me this day of 19.....

Registrar—Judge of Probate

Section 10. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in reidentifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 540

H. 1091—Smith (M), Higginbotham
AN ACT

To amend Sections 1, 4, and 7 of Act No. 29 enacted at the 1970 Special Session of the Legislature of Alabama so as to provide that any district heretofore organized thereunder and having corporate power to own and operate a sewer system shall be authorized also to own and operate, in the service area in which it is authorized to render sewer service, a solid waste collection and disposal system without any amendment of its charter and without changing its name; so as to provide that the term "sewer system" as used in said Act No. 29 shall include a solid waste disposal system and so as, in effect, to authorize districts hereafter organized thereunder that have sewer powers also to own and operate solid waste disposal systems and to furnish solid waste collection and disposal services; and so as to permit any district organized thereunder that is empowered to provide fire protection service to provide such service directly or to contract with another to provide such service and to enter into all necessary contracts incidental thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 4 of Act No. 29, H. 44, 1969-70, p. 2631, now appearing in Code of Alabama Recompiled 1958, Title 50, Sections 99 and 102, are hereby amended to read as follows:

"Section 1. Definitions. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

“‘Applicant’ means a natural person who files a written application with the governing body of any county or municipality in accordance with the provisions of Section 3 hereof.

“‘Authorizing resolution’ means a resolution, adopted by the governing body of any county or municipality in accordance with the provisions of Section 3 hereof, that authorizes the incorporation of a District.

“‘Authorizing subdivision’ means any county or municipality the governing body of which shall have adopted an authorizing resolution.

“‘Board’ means the board of a District.

“‘Bonds’ means and shall include bonds, notes and certificates representing an obligation to pay money.

“‘Concise legal description’ means a reasonably concise description of a particular geographic area which may be by metes and bounds or by reference to government surveys, recorded maps and plats, municipal, county or state boundary lines, well-defined landmarks and other monuments, or any combination of the foregoing.

“‘County’ means any county in the state.

“‘Director’ means a member of the board of directors of the District.

“‘District’ means a public corporation organized pursuant to the provisions of this Act.

“‘Fire protection facility’ means and includes land, plants, systems, facilities, buildings, fire engines, fire hydrants, ladders, equipment, hoses, alarm apparatus, chemicals, uniforms, supplies, any combination of any thereof, used or useful or capable of future use in furnishing fire protection service, and all other property deemed necessary or desirable by the District for use in furnishing fire protection service.

“‘Fire protection service’ means and includes all services involved in protecting property and life from fires, including but not limited to discovering, ascertaining, extinguishing, preventing the spread of or fighting fires, or inspecting property for fire hazards, or any part or combination thereof. The supplying of water for use in the rendition of fire protection service shall be deemed to constitute fire protection service.

“‘Governing body’ means (a) with respect to a county, its court of county commissioners, board of revenue, or other like governing body, and (b) with respect to a municipality, its city or town council, board of commissioners, or other like governing body.

“‘Incorporators’ means the persons forming a public corporation organized pursuant to the provisions of this Act.

“‘Municipality’ means an incorporated city or town of the state.

“‘New territory’ means any territory added, by amendment to the certificate of incorporation of a District, to the area or areas in which that District is authorized to render water service, fire protection service, sewer service, or any thereof.

“‘Person’ unless limited to a natural person by the context in which it is used, includes a public or private corporation, a municipality, a county, or an agency, department or instrumentality of the state or of a county or municipality.

“‘Principal office’ means the place at which the certificate of incorporation and amendments thereto, the bylaws, and the minutes of proceedings of the board of a District are kept.

“‘Property’ means and includes real and personal property, and interests therein.

“‘Public fire protection facility’ means a fire protection facility which is owned or operated by the United States of America, the state, a county, a municipality, a public corporation organized under the laws of the state, any combination of any thereof, or any agency or instrumentality of any one or more thereof, or in which any one or more thereof, or any agency or instrumentality of any one or more thereof holds a reversionary or remainder interest.

“‘Public sewer system’ means a sewer system which is owned or operated by the United States of America, the state, a county, a municipality, a public corporation organized under the laws of the state, any combination of any thereof, or any agency or instrumentality of any one or more thereof, or in which any one or more thereof or any agency or instrumentality of any one or more thereof holds a reversionary or remainder interests.

“‘Public water system’ means a water system which is owned or operated by the United States of America, the state, a county, a municipality, a public corporation organized under the laws of the state, any combination of any thereof, or any agency or instrumentality of any one or more thereof, or in which any one or more thereof or any agency or instrumentality of any one or more thereof holds a reversionary or remainder interest.

“‘Service area’ means the geographic area or areas in which a District is authorized by its certificate of incorporation

or any amendment thereto to render water service, fire protection service, sewer service, or any thereof, which area may include both territory located outside the boundaries of any municipality and territory located within the boundaries of one or more municipalities.

“‘Sewer service’ means and includes all services involved in collecting, transporting, treating and disposing of sanitary sewage or solid wastes and the performing of all functions and activities reasonably incident to the operation of a sewer system.

“‘Sewer system’ means a sanitary sewer system, including mains, laterals, sewage disposal plants and sewage treatment plants, and all appurtenances to such a system, and all properties, rights, easements and franchises deemed necessary or desirable by the District for use in rendering sewer services. ‘Sewer system’ shall also mean and include land, sanitary landfills, landfills, systems, facilities, buildings, trucks, compactors, automobiles, motor vehicles, equipment, incinerators, compost plants, chemicals, uniforms, supplies, offices and office equipment, and any combination of any thereof, and such other real or personal property, rights, easements and franchises as may be deemed necessary or desirable by the district for the collection, transportation, treatment, storage or disposal of solid wastes.

“‘Solid wastes’ means and includes all solid wastes and hazardous wastes as the same are defined in Act No. 771, enacted at the 1969 Regular Session of the Legislature of Alabama, as amended.

“‘State’ means the State of Alabama.

“‘Water service’ means the providing, furnishing, supplying or distributing of water and the performing of all of the functions and activities reasonably incident to the operation of a water system.

“‘Water system’ means and includes land, plants, systems, facilities, buildings, and other property, or any combination of any thereof, which are used or useful or capable of future use in providing, furnishing, supplying, or distributing water, including but not limited to water supply systems, water distribution systems, reservoirs, wells, intakes, mains, laterals, aqueducts, pumping stations, standpipes, filtration plants, purification plants, meters, valves, and all necessary appurtenances and equipment and all properties, rights, easements and franchises deemed necessary or desirable by the District for use in rendering water service.

“Section 4. Procedure to Incorporate; Contents and Ex-

ecution of Certificate of Incorporation. Within forty days following the adoption of an authorizing resolution (or, in the event an application was filed with the governing bodies of more than one county or a combination of one or more counties and municipalities, within forty days following the adoption of an authorizing resolution by that governing body that was the last to adopt an authorizing resolution, but if and only if the governing body of each other county and municipality with whom such application was filed has theretofore adopted an authorizing resolution), the applicants shall proceed to incorporate a District by filing for record in the office of the Judge of Probate of the county in which the principal office of the District is to be located (as specified in the certificate of incorporation hereinafter provided for) a certificate of incorporation which shall comply in form and substance with the requirements of this section and which shall be in the form and executed in the manner herein provided. Provided, however, that any District incorporated prior to the effective date of this Act and which, according to the provisions of its certificate of incorporation, is authorized to render sewer service and own and operate a sewer system, shall be authorized upon the effective date of this Act and thereafter to own and operate a solid waste collection and disposal system in the service area in which it is authorized to render sewer service and own and operate a sewer system, without any further action or authorization and without amending its certificate of incorporation, and without changing its name to indicate the additional service it is authorized to render.

"The certificate of incorporation of the District shall state:

"(1) The names of the persons forming the District, and that each of them is a duly qualified elector of an authorizing subdivision;

"(2) The name of the District (which shall include the words 'Water District,' 'Water and Fire Protection District,' 'Fire Protection District,' 'Sewer District,' 'Water and Sewer District,' 'Water, Sewer and Fire Protection District,' 'Fire Protection and Sewer District,' or as may be appropriate);

"(3) The period for the duration of the District (if the duration is to be perpetual, subject to the provisions of Section 18 hereof, that fact shall be stated);

"(4) The name of each authorizing subdivision, together with the date on which the governing body thereof adopted an authorizing resolution;

"(5) The location of the principal office of the District, which shall be in an authorizing subdivision;

“(6) A concise legal description of the area or areas in which the District proposes to render water service, sewer service, and fire protection service, or any thereof, and a designation of the type or types of service proposed to be rendered in such area or in each of such areas;

“(7) The total number of directors and the number of directors which the governing body of each authorizing subdivision shall be entitled to elect;

“(8) A plan for apportioning the properties of the District, upon its dissolution, among the authorizing subdivisions, but only if such plan were stated in the application filed with the governing bodies of the authorizing subdivisions in accordance with the provisions of Section 3 hereof;

“(9) That the application filed with the governing body of each of the authorizing subdivisions in accordance with Section 3 hereof was identical to the copy thereof attached to said certificate of incorporation; and

“(10) Any other matters relating to the District that the incorporators may choose to insert and that are not inconsistent with this Act or with the laws of this state.

“To the extent that any matter required by the provisions of the preceding sentence to be included in the certificate of incorporation of a District is also required or permitted to be included in the application theretofore filed with the authorizing subdivisions in accordance with the provisions of Section 3 hereof, including, but without limitation to, any matter relating to the type or types of service proposed to be rendered by the District, the service area, the number and method of electing directors, the location of the principal office of the District, and apportioning the properties of the District upon its dissolution, the provisions of the certificate of incorporation with respect to such matter shall be in strict accordance with the corresponding provisions of such application. The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgments to deeds. When the certificate of incorporation is filed for record, there shall be attached to it (a) a copy of the application as filed with the governing body of each of the authorizing subdivisions in accordance with the provisions of Section 3 hereof, (b) a certified copy of the authorizing resolution adopted by the governing body of each authorizing subdivision, and (c) a certificate by the Secretary of State that the name proposed for the District is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty. Upon the filing for record of the said cer-

tificate of incorporation and the documents required by the preceding sentence to be attached thereto, the District shall come into existence and shall constitute a public corporation under the name set forth in said certificate of incorporation. The Judge of Probate shall thereupon send a notice to the Secretary of State that the certificate of incorporation of the District has been filed for record."

"Section 7. Powers of district. The district shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

"(1) To have succession by its corporate name for the duration of time (which may be perpetuity, subject to the provisions of Section 116 hereof) specified in its certificate of incorporation;

"(2) To sue and be sued in its own name in civil suits and actions, except as otherwise provided in this chapter and to defend suits against it;

"(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

"(4) To adopt and alter bylaws for the regulation and conduct of its affairs and business;

"(5) To acquire, receive and take, by purchase, gift, lease, devise or otherwise, and to hold property of every description, real, personal or mixed, whether located in one or more counties or municipalities and whether located within or outside the service area;

"(6) To make, enter into, and execute such contracts, agreements, leases and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the district was organized or to exercise any power expressly granted hereunder;

"(7) To plan, establish, develop, acquire, purchase, lease, construct, reconstruct, enlarge, improve, maintain, equip and operate water systems, sewer systems, and fire protection facilities, or any part or combination of any thereof, whether located in one or more counties or municipalities and whether located within or outside the service area, and without any requirement that such water systems, sewer systems, or fire protection facilities, or all or any part of any thereof, be interconnected or otherwise constitute an integrated operational unit, and to acquire real and personal property, franchises and easements deemed necessary or desirable in connection therewith;

"(8) To distribute and sell water, either at retail or for

resale, within the service area, or in any part thereof, upon such reasonable terms and for such reasonable rates and consideration as the board may prescribe;

“(9) To furnish and provide sewer service in the service area, or in any part thereof, upon such reasonable terms and for such reasonable rates and consideration as the board may prescribe; provided, however, that nothing in this act shall authorize any district to collect, transport, treat or dispose of solid wastes or charge for the collection; transportation, treatment or disposal of solid wastes from any industrial, manufacturing or utility plant without consent from the owners or operators of such plant;

“(10) To furnish and provide fire protection service in incorporated areas in the service area, upon such reasonable terms and for such reasonable rates and consideration as the board may prescribe; and to furnish and provide fire protection service in unincorporated areas at its option, either by contract to provide such service or to contract with someone else to provide such service. The board may enter into a contract, or contracts, with counties or county boards, manufacturing or industrial concerns, or residential or business areas, for rendering fire protection service in such places, on such terms as may be agreed upon by the board and the governing body of such county or county boards, or the management of such manufacturing or industrial concerns, or the residents of such residential or business areas.”

“(11) To sell and issue bonds of the district in order to provide funds for any corporate function, use or purpose, any such bonds to be payable solely out of the revenues derived from any water system, sewer system, and fire protection facility, or any thereof, of the district;

“(12) To assume obligations secured by a lien on, or payable out of or secured by a pledge of the revenues from, any water system, sewer system, and fire protection facility, or any part of any thereof that may be acquired by the district, any obligation so assumed to be payable by the district solely out of the revenues derived from the operation of any water system, sewer system and fire protection facility, or any thereof, of the district;

“(13) To pledge for payment of any bonds issued or obligations assumed by the district any revenues from which those bonds or obligations are made payable as herein provided;

“(14) To execute and deliver, in accordance with the provisions of this Section and of Sections 107 and 108 of this title, mortgages and deed of trust and trust indentures, or either;

"(15) To exercise the power of eminent domain in the manner provided in and subject to the provisions of Title 19 of the Code of Alabama of 1940, as amended, provided however, that this clause shall not be deemed to authorize the district to acquire, without the consent of the owner or owners thereof, any water supply system or water distribution system from which water service is at the time being furnished, any sewer system from which sewer service is at the time being furnished, or any property that is at the time being used in the furnishing of fire protection service; provided further, however, such right of eminent domain shall not apply to real property or interests therein previously dedicated to public use;

"(16) Without regard to any provisions of Act No. 217 enacted at the 1967 Special Session of the Legislature of Alabama, as amended (Title 55, Sections 506 to 517), that might otherwise be applicable, to appoint, employ, contract with, and provide for the compensation of, such officers, employees and agents, including but without limitation to engineers, attorneys, management consultants, and fiscal advisers, as the business of the district may require, and at its option to provide a system of disability pay, retirement compensation and pensions, or any of them;

"(17) To make and enforce reasonable rules and regulations governing the use of any water system, sewer system, or fire protection facility owned or controlled by the district;

"(18) To provide for such insurance as the board may deem advisable;

"(19) To invest any funds of the district that the board may determine are not presently needed in the operation of its properties in bonds of the United States of America, bonds of the state, bonds of any county or municipality, and interest-bearing bank deposits, or any thereof;

"(20) To cooperate with the United States of America, any agency or instrumentality thereof, the state, any county, municipality or other political subdivision of the state and any public corporation organized under the laws of the state, and to make such contracts with them, or any of them, as the board may deem advisable to accomplish the purposes for which the district was established;

"(21) To sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful as a part of any water system, sewer system, or fire protection facility of the district;

"(22) To sell and convey, with or without valuable con-

sideration, any of its water systems, sewer systems, or fire protection facilities, or any portion of any of the said systems and facilities, to any one or more counties, municipalities, or public corporations organized under the laws of the state, which have the corporate power to operate the system and facilities, or portions thereof, so conveyed and the property and income of which are not subject to taxation; provided, that any such sale and conveyance may be made (a) only with the consent of each county and municipality in which any part of the service area of the district is then located, such consent to be evidenced by a resolution adopted by the governing body of each consenting county and municipality, and (b) only if any such conveyance would not constitute a breach of any then outstanding mortgage and deed of trust, trust indenture, or other agreement to which the district is a party;

“(23) To enter into a management agreement or agreements with any person for the management by the district of any water system, sewer system, or fire protection facility, or any thereof, upon such terms and conditions as may be mutually agreeable;

“(24) To fix and revise from time to time reasonable rates, fees and other charges for water service, sewer service, fire protection service, or any thereof, furnished or to be furnished by any water system, sewer system, or fire protection facility, or portion of any thereof, owned or operated by the district, and to collect all charges made by it.

“Nothing herein shall be construed to permit a district to acquire, receive, take, hold, establish, develop, construct, reconstruct, enlarge, improve, maintain, equip or operate any property or water system, sewer system, and fire protection facility, or any part or combination of any thereof, located outside the service area, except as an incident to the rendering of water service, sewer service, and fire protection service, or any thereof, inside the service area or to render water service, sewer service and fire protection service, or any thereof, unless such district is authorized so to do in its certificate of incorporation and any amendments thereto.

“Any schedule or schedules of rates and other charges adopted by the board (a) may provide for the rendition by the district to customers served by it of combined statements or bills for service furnished from its water systems, its sewer systems, and its fire protection facilities, or any one or more of any thereof, (b) may permit the district to decline to accept payment of charges for service from any of its said systems and facilities, without payment of charges for service at the same premises from any one or more of its other systems and

facilities, (c) may provide for a discontinuance of service from any or all of its said systems and facilities at any premises with respect to which there is a delinquency in the payment of charges for service from any system or facility of the district, (d) may provide for the payment of connection fees, disconnection fees, and reconnection fees, and (e) may require, as a prerequisite to the rendition of any service, the making of a deposit as a security for payment of bills, on which deposit the district shall not be obligated to pay or allow interest; and

“(25) To require the owner, tenant or occupant of each lot or parcel of land who is obligated to pay rates, fees or charges for the use of or for the services furnished by any water system, sewer system or fire protection system owned or operated by the district under the provisions of this Act to make a reasonable deposit with the district in advance to insure the payment of such rates, fees or charges and to be subject to the application to the payment thereof if and when delinquent.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 541

H. 1105—Drake

AN ACT

To amend Act No. 161, H. 182, of the 1973 Regular Session (Acts of 1973, p. 202) which levies and provides for the collection of a lodging tax in Cullman County and provides for the use of the proceeds of such tax for developing and promoting tourism and conventions in the county, amending Section 12 of said act in order to authorize the net proceeds of tax to be paid to the local chamber of commerce to be used in its discretion for the purposes of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12 of Act No. 161, H. 182 of the 1973 Regular Session (Acts of 1973, p. 202), which levies and

provides for the collection of a lodging tax in Cullman County and prescribes the use of the proceeds of such tax, is hereby amended to read as follows:

"Section 12. The state department of revenue shall charge Cullman County for collecting the county taxes levied such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the court of county commissioners, board of revenue, or like governing body of the county, but such charge shall not in any event exceed ten percent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the taxes for the county may be deducted each month from the taxes collected before certifying the amount of proceeds thereof due Cullman County for that month. The state commissioner of revenue shall pay into the state treasury all county taxes collected under this act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this act and paid by him into the state treasury for the benefit of Cullman County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Cullman County during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the governing body of Cullman County, in an amount equal to the amount so certified by the state commissioner of revenue as having been collected for the use of the county. The custodian of the general funds of Cullman County shall upon receipt thereof transmit the tax levied herein to the Cullman County chamber of commerce and such funds shall be used, in the discretion of the chamber of commerce, exclusively for the purpose of developing and promoting tourism and conventions."

Section 2. This act shall become effective on the first day of the first month beginning after it becomes law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 542

H. 1106—Smith (J)

AN ACT

Relating to Geneva County; providing the county governing body may supplement the salary of the circuit judge from the county general fund, up to six thousand dollars (\$6,000) per annum, so long as such judge is a resident of Geneva County.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Geneva County is hereby authorized to supplement the salary of the circuit judge, from the county general fund, in an amount not to exceed six thousand dollars (\$6,000) per annum; provided, however, that such supplement shall continue only so long as the circuit judge is a bona fide resident of Geneva County.

Section 2. The supplement shall be the total amount of compensation paid from the general fund of Geneva County and shall be paid in the same manner as now set by law.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 543

H. 1121—Killian

AN ACT

To authorize the governing bodies of all counties having populations of not less than 41,750 and not more than 45,000, according to the 1970 or any subsequent federal decennial census, to appropriate funds from the county highway and traffic fund such amount as in their opinion is proportionate with the expenses incurred by the county in law enforcement relative to building and maintaining roads, traffic control and motor vehicle laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in all counties in this state having populations of not less than 41,750 and not more than 45,000, according to the 1970 or any subsequent federal decennial census.

Section 2. The county commission or other like governing body of any county in which this act applies may appropriate from the county highway and traffic fund such amount as in their opinion is proportionate with the expenses incurred by the county in law enforcement relative to building and maintaining roads, traffic control and motor vehicles. Such expenses may include the paying of the salaries and expense allowances of county officers and employees including the sheriff and his deputies and other assistants, commensurate with the time such officers and employees spend in law enforcement work relative to roads and bridges, traffic control and motor vehicle laws.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. In all counties in which this act applies, the provisions hereof shall supersede those provisions of Code of Alabama 1940, Title 51, Section 713 (c) as amended, which conflict herewith. Said conflicting provisions and any and all other laws, general, local or special, or parts of such laws, which conflict herewith are hereby repealed as to the counties in which this act applies.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 544

H. 1130—Smith (J)

AN ACT

To change the name of the Town of Eagen in Geneva County to the name Town of Malvern and to extend the boundary lines and corporate limits of said municipality.

Be It Enacted by the Legislature of Alabama:

Section 1. The name of the municipality which is presently known as Malvern is hereby officially and legally changed from the name Eagen to the name of Malvern.

Section 2. The boundary lines and corporate limits of the Town of Malvern are hereby extended so that the boundary lines and limits of the Town of Malvern will be as follows:

A circle with the center of the circle at the crossing of

Main and Garrett Streets in the Town of Malvern making a radius of one mile with the center of the circle being the intersection of Main and Garrett Streets.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 545

H. 1133—Whatley, Turnham

AN ACT

Relating to Lee County; providing that the county commission or like governing body shall be paid for their services an additional two cents (\$0.02) per mile for each mile necessarily traveled by them while discharging their official duties in letting out, inspecting and accepting, building or repairing any of the county bridges, buildings, roads or works; providing that such additional per diem sums shall be paid in the same manner and from the funds of the county as prescribed by law.

Be It Enacted by the Legislature of Alabama:

Section 1. In Lee County, the county commission, or like governing body, shall be paid for their services an additional two cents (\$0.02) per mile for each mile necessarily traveled by them while discharging their official duties in inspecting and accepting, building, or repairing any of the county bridges, roads or works. Such additional sums shall be paid in the same manner as provided by law and from the funds of the county now designated for this purpose.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 546

H. 1134—Whatley, Turnham

AN ACT

Relating to Lee County board of registrars; providing for thirty

dollars (\$30.00) per day total compensation for each member of the board while in session and providing the method of payment thereof which will be shared by the state and county.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Lee County board of registrars shall receive thirty dollars (\$30.00) per day the board is in session. The county commission shall supplement the pay already provided for by general law with funds out of the county general fund sufficient to bring said pay up to the amount provided for by this act.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 547

H. 1138—Smith (J), Crawford

AN ACT

Relating to any county having a population of not less than 56,500 nor more than 59,000 according to the 1970 or any subsequent federal decennial census; providing further for the salaries of the probate judge, sheriff, revenue commissioner and the chairman of the county governing body of any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge, the sheriff, the revenue commissioner and the chairman of the county governing body of any county having a population of not less than 56,500 nor more than 59,000 according to the 1970 or any subsequent federal decennial census, shall hereafter each receive an annual salary of \$19,000.

The salaries herein provided shall be the total compensation payable to such persons and shall be paid either in whole, or if any such officer may now or hereafter be paid from sources other than the county, in part, in equal monthly installments from the general fund of the county in such amounts as are necessary to effectuate the provisions of this act.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act shall become effective January 1, 1977.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 548

H. 1146—Holley, Folmar

AN ACT

Providing for purging the lists of registered voters in Coffee County; requiring and prescribing the procedure for the purging and reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification and purging of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Coffee County is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all persons who are deceased or nonresidents of the county, or have otherwise become disqualified from voting in Coffee County, shall be removed from such lists, and that the name of each qualified elector shall appear only on the list of qualified electors for the district and precinct in which he resides.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors of the county the name of any person who fails to reidentify himself, in the manner prescribed herein, before the first day of January, 1978. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to re-registration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote.

Section 3. Prior to the November general election of 1976, the board of registrars of Coffee County is authorized and directed to commence reidentification of the qualified electors of the county. The members of the board of registrars shall meet as provided by law at least once, and more often if necessary, and remain at each location at least one day from nine o'clock a.m. until four o'clock p.m. for the purpose of

enabling qualified and registered voters to reidentify themselves. The board shall give at least ten days notice, by advertisement in all newspapers of general circulation published in the county, stating the time, date and place where they will meet. Upon failure to give such notice, or to appear as notified, after like notice, they shall fill new appointments. The board shall remain in session for thirty (30) days. During such session the board shall visit each location on at least one day and the remainder of the time may be divided as the board of registrars deems necessary, to enable the qualified electors of the county to appear and reidentify themselves in the manner provided herein. No voter shall appear and reidentify himself except as provided in this act.

Section 4. Each member of the board of registrars shall be paid from the county general fund, as now provided by law, for each day's attendance upon the special sessions of the board required under the provisions of this act; but if such special session is held on the same day a regular session is required to be held under the laws of this state, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor, and Commissioner of Agriculture and Industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.

Section 5. A qualified elector may reidentify himself in any one of the following ways: (a) He may reidentify himself by appearing in person at the office of the board of registrars or the judge of probate of Coffee County and answering such questions and submitting such proof as may reasonably be required by the board of registrars, the judge of probate or one of its or his duly authorized employees to establish his identity and place of legal residence and that he has not become disqualified from voting in such county. The judge of probate shall deliver all completed questionnaires to the chairman of the board of registrars once a month. (b) He may reidentify himself by filling in and mailing to the office of the board of registrars the completed answers to such questions as may reasonably be propounded and mailed to him in a written questionnaire by the board of registrars, or on a form which board of registrars shall cause to be printed in all newspapers of general circulation published in the county. Such questionnaire may contain such questions as are reasonably necessary to establish the identity of the person signing such questionnaire, the place of his legal residence, and that he has

not become disqualified from voting in such county. All answers to such questionnaires shall be signed by the elector in the presence of at least two witnesses who are qualified electors of such county and who shall sign his answers as attesting witnesses. (c) He may reidentify himself at the general election of 1976 or at any election at which he votes during 1977 or 1978 (or any tenth year thereafter), by filling out and signing answers to the questionnaire prepared by the board of registrars in the presence of a clerk, manager or returning officer at such election. Such clerk, manager or returning officer shall sign the answers of such voter as an attesting witness. The returning officer shall transmit all such filled in and signed answers to questionnaires to such board of registrars. (d) Any voter who has been purged from the list of qualified electors for failure to reidentify may reidentify himself on any election day at the office of the board of registrars by appearing in person. He will be given a certificate to take to the polls in order to vote on that day.

Section 6. The board of registrars shall meet on the first Monday in January 1978, for the purpose of purging the registration lists and the names of all persons who have failed to appear and reidentify themselves in the manner herein prescribed shall be stricken from the lists, provided, however, that said board shall not strike the name of any person, or of the spouse of any person, known by any member of said board, or made known to the said board by the written affidavit of another qualified elector, to be in active duty of any of the armed forces of the United States of America, and to be stationed, or to be living with her or his spouse, as the case may be, outside Coffee County, Alabama, during the period of time from the effective date hereof to January 1, 1987.

Section 7. Any qualified elector of the county who shall have his name omitted or removed from the list of qualified electors in the county by failure to appear and reidentify himself as herein provided shall be entitled to have his name restored to the list of qualified electors by appearing in person at the office of the board of registrars, or at the office of the judge of probate, and answering such questions and submitting such proof, under oath, as the board may require to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county. Provided, however, every qualified elector must have reidentified himself at least 30 days prior to the election at which he offers to vote; provided further, however, that this act shall not be construed or applied to impair or deny the right to vote in person or by absentee ballot of any person or of the spouse of any person, now a qualified elector of said county, who is in active duty of any of the armed forces of the United States

of America and stationed, and, as to the spouse, who is living with her or his husband or wife as the case may be, outside of Coffee County, Alabama, during the period of time from the effective date hereof to January 1, 1978.

Section 8. The court of county commissioners, board of revenue or like governing body of Coffee county is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, printed forms, stationery, stamps, clerical help and newspaper advertisements necessary for the reidentification of voters as herein provided.

Section 9. The questionnaire to reidentify a voter shall be substantially the following form:

VOTERS REIDENTIFICATION QUESTIONNAIRE

Coffee County, Alabama

Date, _____, 19_____

Name _____

| | | |
|-------------------------------|--------|--------|
| First | Middle | Last |
| Legal Residence Address _____ | | |
| | | Street |

City or Town _____

State _____

Date of Birth _____ Sex _____

I now vote and I am a qualified elector in Precinct or Beat No. _____, Box No. _____, _____ County, and I have not been disqualified from voting in this county. I am not a qualified voter in any other county in the State of Alabama or in any other State in the United States.

I have resided in Precinct or Beat No. _____ for the past _____ months.

Signed _____
(Signature of Elector)

Sworn to and subscribed before me this _____ day of _____, 19_____.

Registrar—Judge of Probate—Election Official

Section 10. The board of registrars shall meet as often as necessary and on such dates as the board may by order fix for the purpose of purging the list of qualified electors of the county. The board may meet any number of days not exceeding thirty days from November 9, 1976 until January 1, 1978 in excess of the maximum now provided by law, for the purpose of purging such list, and shall be entitled to the same per diem allowances for meeting on such dates, in excess of the maximum, as now provided by law. The chairman of the board of registrars shall secure from the local registrar of vital statistics,

before each purging session of the board, the names of all persons over age eighteen who have died in the county since the last purging session of the board, and shall likewise secure from the clerk of the circuit court the names of all persons over age eighteen who have been convicted in the county of a disqualifying crime.

Section 11. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in reidentifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 12. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this act are hereby repealed.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 549

H. 1159—Ford, Rich, Taylor, Brindley

AN ACT

Relating to counties having a population of not less than 90,000 nor more than 100,000 according to the 1970 or any subsequent decennial census; to provide that the governing bodies of such counties shall be given the authority to provide per diem allowance for full time law enforcement officers of county sheriff's departments while on duty and to authorize expenditure of funds for that purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of not less than 90,000 nor more than 100,000 according to the 1970 or any subsequent federal decennial census.

Section 2. The governing body in such counties is hereby given the authority to provide by appropriate resolution that all full time law enforcement deputies who are employed by the sheriff's departments in such counties shall receive a per diem allowance of a sum not to exceed seventy-five dollars

(\$75.00) per month, said allowance to be paid from the County General Fund. This allowance shall be in addition to all other compensation, expenses, and allowances provided for such officers, but shall not be paid to deputies or other personnel who are not actively engaged in full time law enforcement activities.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 550

H. 1161—McCluskey

AN ACT

To amend Section 1 of Act No. 898, H. 1390, 1975 Regular Session (Acts of 1975, p. 1760), entitled "Relating to Coosa County, providing for a clerk hire allowance not to exceed \$5,000 per year for the office of judge of probate of said county", so as to increase the clerk hire allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 898, H. 1390, 1975 Regular Session (Acts of 1975, p. 1760), is hereby amended as follows:

"Section 1. The judge of probate of Coosa County is hereby granted an allowance not to exceed \$6,000 per year, for the purpose of hiring one or more clerical personnel in such office. The allowance herein provided shall be payable from the county general funds, in monthly installments, not to exceed the prescribed annual amount. Provided however that said allowance shall not be paid unless funds are paid to clerical personnel."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 551

H. 1162—McCluskey

AN ACT

Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that witnesses may be subpoenaed by United States mail in such counties under certain conditions and to prescribe a mileage allowance for officers serving subpoenas to witnesses otherwise than by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall be applicable in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. Notices of the requirement of the attendance of jury service in the circuit court of such counties may be served by first class mail, or may be served as provided by Section 33, of Title 30, Code of Alabama, 1940 as recompiled 1958 and as last amended. Should in the discretion of the sheriff, the service be made by first class mail, such service shall be as follows: It shall be the duty of the sheriff of such counties to enclose the summons in an envelope addressed to the person to be served and place all necessary postage and a return address thereon with notice to the postal authorities not to forward outside of such counties. In the event said jury summons is returned to the sheriff by the Post Office Department of the United States without delivery the summons shall be by the sheriff returned NOT FOUND. All jury summons not returned by said Post Office Department shall be considered for all purposes as sufficient personal and legal service. The provisions of this section in reference to service by mail, however, shall not apply to jury summons returnable before the court instantan, but such summons shall be served only as provided by Section 33 of Title 30, Code of Alabama of 1940 as recompiled 1958 and as last amended.

Section 3. Subpoenas requiring the attendance of witnesses in any civil, criminal, equity, or other case or proceeding in such counties, or before the grand jury of such counties may be served by the sheriff of such counties or constable personally or by leaving a copy thereof at the place of residence of the witness or in the discretion of the said sheriff of such counties the sheriff may serve the same by placing a copy thereof in the United States mail, enclosing the subpoena in an envelope properly stamped and addressed to the person or witness to be served. Upon service by the sheriff upon any witness or person by any one of the foregoing methods, the

sheriff shall immediately mark the process executed. If the subpoena so mailed is not delivered to the addressee but is returned to the sheriff by the United States Post Office Department, then the sheriff shall immediately make a diligent effort to serve the subpoena either personally or by leaving a copy thereof at the place of resident of the witness.

Section 4. Anything to the contrary notwithstanding in Section 3 above, any judge having jurisdiction of the proceeding or case may on motion of any party or on the court's own motion order any particular subpoena or the subpoenas in any case or proceeding to be served personally or by leaving a copy thereof at the place of residence of the said witness or person or by United States registered or certified mail.

Section 5. Whenever a subpoena requiring the attendance of a person or witness in any case or proceeding in such counties is required pursuant to this Act to be served personally on the witness or by leaving a copy thereof at the place of residence of the witness, any law to the contrary notwithstanding, the sheriff of such counties shall be entitled to collect as costs of court ten cents per mile for each mile traveled in serving the same.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 552

H. 1163—McCluskey

AN ACT

To amend Section 1 of Act No. 286, H. 250, Regular Session 1965 (Acts of 1965, p. 399), as amended, which act regulates the compensation of county board of education members in certain counties based on population, so as to provide further for the compensation of such persons.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 286, H. 250, Regular Session 1965 (Acts 286, H. 250, Regular Session 1965 (Acts of

1965, p. 399) as amended is hereby further amended to read as follows:

"Section 1. Each member of the County Board of Education of each county having a population of not less than 10,660 nor more than 10,900 according to the most recent or any subsequent federal decennial census shall receive, as compensation for his or her services from the public school funds of the county seventy-five dollars (\$75.00) a day. Their pay shall be paid in like manner as provided for the payment of the compensation of teachers."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 553

H. 1164—McCluskey

AN ACT

Relating to counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for the appointment of a deputy chief clerk in the office of the judge of probate in such counties; defining such clerk's duties and authority; requiring the filing of a bond; and prescribing that such appointment be made from persons presently employed in the probate office so as to require no additional expense to the county.

Be It Enacted by the Legislature of Alabama:

Section 1. This act applies only to counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In such counties there shall be a deputy chief clerk in each such county who shall be appointed by the judge of probate as other employees of said office are appointed; provided, however, that such appointment shall be made from among employees of the probate office and no additional compensation shall be paid to the deputy chief clerk.

Section 3. The deputy chief clerk shall have the powers, authority and responsibilities now vested or which may hereafter be vested by law in the chief clerk of the judge of probate office and specifically all the powers, duties, authority and responsibilities provided in Chapter 5 of Title 13, Code of

Alabama of 1940 as recompiled by 1958 Code, for the chief Clerk.

Section 4. Such deputy chief clerk, before he enters upon his duties, must take the oath and give bond as provided in Title 13, Section 301, Code of Alabama 1940 as recompiled by 1958 Code.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 554

H. 1166—McCluskey

AN ACT

Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of obtaining and working at gainful employment.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall be applicable in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. Any person who has been committed to the County Jail or to any City Jail in the counties to which this Act applies, under a criminal sentence, may be released therefrom at the discretion of the sentencing court, either on its own motion or upon the motion of the defendant, at the time of sentence or at any time during the term of sentence, for the purpose of obtaining and working at gainful employment or for such other purpose as the court may deem conducive to his rehabilitation, for such time or intervals of time and under such terms and conditions as the court may order. Any part of a day spent as a full day toward the serving of the sentence unless otherwise provided by the court. If a person violates

the terms and conditions laid down for his conduct, custody and employment, he shall be returned to the sentencing court. The court may then require that the balance of the person's sentence be spent in actual confinement and may cancel any earned reduction of his term.

Section 3. Any person who has been sentenced to the County Jail or to any City Jail in the counties to which this Act applies and who has been ordered released under the provisions of Section 2 hereof, may at the time of sentence or at any time while any part thereof remains unserved, be required by the sentencing court to report to the jail to which he has been sentenced to be incarcerated during weekends or at such times or intervals of time as the court may direct. Time so spent in said jail shall be deducted from the term of the sentence. Any part of a day spent in the institution shall count as a full day toward the sentence. In no event shall the number of days confinement exceed the number of days in the original sentence.

Section 4. The employer of any person released under Section 2 of this Act shall remit twenty-five percent (25%) of the inmate's gross earnings for each pay period to the county governing body wherein the institution of incarceration is located. Such sums shall be used by the county governing body to defray the expenses incident to the inmate's incarceration.

Section 5. Any person released under Section 2 of this Act, or ordered confined under Section 3, who wilfully fails to report for confinement as ordered shall be deemed to have escaped from the institution to which he has been sentenced and upon conviction shall be subject to the punishment provided for escape therefrom.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 555

H. 1165—McCluskey

AN ACT

Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent Federal decennial census; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall be applicable in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent Federal decennial census.

Section 2. Any motor vehicle, or any gun, rifle, or other hunting equipment customarily used in hunting deer, or any possession thereof upon the person or in any motor vehicle of any person who may be apprehended while engaging in hunting deer at night shall be contraband and shall be forfeited to the State of Alabama. Such property may be seized by the Sheriff of the county or by any other officer or person acting under authority of law in the enforcement of laws of this state, and the Sheriff or such other officer or person shall report the seizure and the facts connected therewith to the solicitor or any other prosecuting official of the county, giving a full description of the vehicle or other equipment seized and detained, the name of the person in whose possession it was found, the name of the person making claim to the same or any interest therein if the name is known or can be ascertained, the date of the seizure, and a statement of the circumstances connected with the apprehension of the person or persons whose property has been seized.

Section 3. In order to condemn and confiscate any of the property set out in Section 1 of this Act it shall not be necessary for the solicitor or other prosecuting authority to prove possession of deer killed in night hunting or that the hunter be apprehended in the actual act of killing deer but it shall suffice to prove possession upon the person or in any motor vehicle of such person of guns, ammunition, and other equipment normally used in hunting deer and the time, the place, and circumstances of the apprehension sufficient to support a conviction of the offense of night hunting of deer.

Section 4. Except as otherwise herein provided, the manner, the method and procedure for the forfeiture, condemnation, and sale of any motor vehicles or hunting equipment seized under authority of this act shall be the same as that provided by law for the confiscation, condemnation, and sale

of automobiles, conveyances, or vehicles in which alcoholic beverages are illegally transported. Without limiting the generality of the foregoing sentence, the provisions of Code of Alabama 1940, Title 29, Section 248 and 249 shall apply.

Section 5. The proceeds of the sale of any property condemned and forfeited to the state under authority of this act, after payment of all expenses in the cause including the cost of seizure and a keeping of the property pending the proceedings, shall be paid into the state treasury to the credit of the Game and Fish Fund.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 556

H. 1167—McCluskey

AN ACT

Relating to all counties in this state having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census; to authorize the county commission to pay certain school, seminar and convention expenses incurred by the sheriff and deputies and certain investigation expenses incurred by the district attorney or sheriff and to prescribe procedure for making such payments.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall be applicable in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The county commission in such counties is hereby authorized to pay the expenses incurred by sheriffs and deputies attending school, seminars and conventions and the expenses of investigations and return of witnesses from out of state incurred by the district attorney's office or sheriff's office upon presentment of proper receipts validating expenses

incurred but not limited to transportation, meals, lodging, transcription of statements and any other related expenses, provided that such expenses are approved by the county commission prior to the time said expenses are incurred. Such expenses shall be paid from time to time by warrant drawn on the county general fund.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 557

H. 1172—Greer

AN ACT

To amend and extend the town limits of Killen, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the town limits of Killen, Alabama shall be amended and extended to include the following additional territory: Part of the Northeast $\frac{1}{4}$ of Section 25, Township 2 South, Range 10 West in Lauderdale County, Alabama, more particularly described as follows, to wit: Beginning at an iron pin 100 feet East of the Southeast corner of Northwest $\frac{1}{4}$ of Northeast $\frac{1}{4}$ of said Section 25, said point being the Southeast corner of the Killen Park tract as described in Book 1081, Page 1016 recorded in the office of the Judge of Probate of said County; thence North 3 degrees 57 minutes West 656.18 feet to the Northeast corner of the said Killen Park tract, thence Northwestwardly 475 feet, more or less, to a point on the East line of the Northwest $\frac{1}{4}$ of Northeast $\frac{1}{4}$ of said Section 25, 200 feet South of the North line of said Section 25, said point being the Southeast corner of the present Killen Town limits as described in Plat Book 3, at Page 31, of aforesaid records; thence West with the South line of said Town limits 1150 feet, more or less, to the East line of the Old Lock Six Road having a 50 foot right of way and sometimes known as Government Road, thence Southeastwardly with the East line of said road to a point on the West line of the Southeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$ of said Section 25, said point also being on the West line of KINGMAN SUBDIVISION, according to the plat thereof recorded in the office of the Judge of Probate of said County in New Plat Book 2, at Page 48; thence South with the West line of said Subdivision 870 feet to the Southwest corner thereof; thence East with the

South line of said Subdivision 1181 feet to the Southeast corner thereof, thence North with the East line of said Subdivision 1307 feet to the Northeast corner of said KINGMAN SUBDIVISION, thence West with the North line of said Subdivision 1105 feet, more or less, to the point of beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 558

H. 1175—Jolly

AN ACT

To increase the fee for a license to carry a pistol in all counties having a population of not less than 26,725 nor more than 27,250 inhabitants according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In addition to all other fees heretofore authorized by law for issuing a license to carry a pistol, there shall be collected by the sheriff a fee of five dollars. Four-fifths of each such fee collected shall be deposited to the credit of a special fund to be designated as the sheriff's law enforcement fund and the remainder shall be deposited in the county's general fund. The special fund must be expended by the sheriff for the employment of personnel, the purchase of equipment, materials and supplies, and for any other lawful purpose related to law enforcement work within the county.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 559

H. 1176—Higginbotham

AN ACT

Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; authorizing the probate judge in such counties to appoint deputy registrars in such counties for the purpose of registering voters therein; providing that the probate judge and county governing body shall fix the days, not to exceed thirty (30) per annum, the times and locations for the registration and the probate judge shall give advertised public notice thereof; providing that the cost for advertising shall be paid out of the county funds; and providing that such mileage allowance as now provided by law for registrars in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to those counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The probate judge in such counties is authorized to appoint one or more deputy registrars who shall be empowered to take applications, testimony and oaths of applicants for voter registration at such times, on such dates and in such locations in the county as the probate judge and county governing body shall direct. Provided, however, that the number of days for such registration shall not exceed thirty (30) days per annum.

Section 3. The probate judge shall give at least ten days notice, by advertisement in newspapers of general circulation published in the county, stating the time, date and place for registration and the costs therefor shall be paid out of the county treasury.

Section 4. The deputy registrars appointed under the provisions of this act shall receive the same mileage allowances in the same manner as now provided by law for registrars in such counties.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 560

H. 1160—Brindley

AN ACT

Relating to all counties having populations of not less than 26,725 nor more than 27,250 according to the 1970 or any subsequent federal decennial census; providing further for the costs and charges in criminal proceedings in any court in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act applies to all counties having populations of not less than 26,725 nor more than 27,250 according to the 1970 or any subsequent federal decennial census.

Section 2. In addition to all other costs and charges in criminal cases in any court of the county a fee of \$3.00 shall be charged and collected by the clerk of any such courts. The monies derived from the charges hereinabove prescribed shall be remitted to a juvenile probation fund in the county treasury to be used to finance a juvenile probation office. The county governing body is hereby authorized to make expenditures from said fund to carry out the provisions and purposes of this act.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 561

S. 53—Little

AN ACT

To designate by number the various places upon the governing body, to fix and stagger the terms of office of such places, and to provide for election to each, and to fix the term of office and provide for the election of the Mayor in all cities having a population of not less than 22,000 nor more than 25,000 according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. At the regular municipal election to be held in all cities having a population of not less than 22,000 nor more than 25,000, according to the 1970 or any subsequent federal decennial census, on the second Tuesday of August, 1980, there shall be elected a Mayor and nine (9) Aldermen, including the

President of the City Council, eight (8) of whom are to be elected from the four (4) wards of the City, two (2) from each ward.

Section 2. The offices of Aldermen of said cities are hereby designated by number as follows:

Alderman from the First Ward of the City, Place Number One;

Alderman from the First Ward of the City, Place Number Two;

Alderman from the Second Ward of the City, Place Number One;

Alderman from the Second Ward of the City, Place Number Two;

Alderman from the Third Ward of the City, Place Number One;

Alderman from the Third Ward of the City, Place Number Two;

Alderman from the Fourth Ward of the City, Place Number One;

Alderman from the Fourth Ward of the City, Place Number Two.

Section 3. At the said regular municipal election to be held in said cities on the second Tuesday in August, 1980, there shall be elected a Mayor, a President of the City Council, and an Alderman for each place of each ward whose terms of office shall be as follows:

Mayor and Place Number One Alderman from each ward, four (4) years;

President of the City Council and Place Number Two Alderman from each ward, two (2) years.

Section 4. Following such regular municipal election in 1980, there shall be held in said cities, each two (2) years thereafter, on the second Tuesday in August, a general municipal election for the purpose of filling the positions on the said cities' governing bodies which become vacant during the year of the election by expiration of the term of office. The term of office of each such official so elected in each regular municipal election subsequent to said election held in 1980 shall be for four (4) years.

Section 5. At all of the elections provided for herein, the various places on the Council to be filled by such elections

shall be designated by the proper number on ballots used at such elections, and each candidate shall, at the time he files his statement of candidacy as required by the laws of the State of Alabama, designate in said statement of candidacy the number of the place he seeks, or if the office sought by the candidate is that of Mayor or President of the City Council, said office shall be designated by name. No person shall be a candidate for more than one (1) position during any election.

Section 6. Except as otherwise provided herein, all elections held under the provisions of this act shall be held in accordance with the general municipal election laws of the State of Alabama pertaining to the mayor-council form of government, and the persons elected at such elections shall assume the duties of their respective offices on the first Monday in October following such election. In the event a run-off election is necessary, said run-off election shall be held in accordance with the provisions of Title 37, Section 34 (16), Code of Alabama (1940) recompiled 1958, as amended.

Section 7. The provisions of the act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part or parts which remains or remain.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 562

S. 55—Little

AN ACT

To authorize the city board of education in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census to assume responsibility for community education, park and recreation programs.

Be It Enacted by the Legislature of Alabama:

Section 1. The city board of education of all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census may upon request of the city governing body, assume the responsibility for operating community education, park and recreation programs. Such programs may be conducted in any location that said city board of education deems desirable and

may be for the benefit of all bona fide residents of said city of any age.

Section 2. Any permanent employees shall be hired by the city board of education and shall be eligible to come under the teacher retirement plan.

Section 3. Any funds that are to be used for the operation of the community education or park recreation programs or facilities shall be kept separate and apart from other funds handled by the board of education; and a separate accounting shall be made of such funds.

Section 4. Either the city or the city board of education may own legal title to all real property that is used for the community education or park and recreation programs that are instituted by the city board of education.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 563

S. 59—Little

AN ACT

To authorize the governing body of any city having a population of not less than 22,000 nor more than 25,000 according to the 1970 or any subsequent federal decennial census, to establish a parking authority as a public corporation for the purpose of financing, acquiring, constructing, enlarging, equipping, improving, maintaining, developing, and operating facilities for parking motor vehicles, and related facilities including offices for any such authority, and leasing or letting such buildings, structures or facilities; to authorize such authority to issue bonds of indebtedness, enter into contracts, acquire and dispose of properties; to provide that such bonds shall be negotiable instruments; to authorize such authority to exercise all powers, privileges and rights necessary to implement the provisions of this Act; to provide for the dissolution of the authority and the disposition of its property and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby determined and declared that in cities having a population of not less than 22,000 nor more than 25,000, according to the 1970 or any subsequent federal decennial census, that the free circulation of traffic of all

kinds through the streets of said cities within this state is necessary to the health, safety and general welfare of the public; that in recent years the greatly increased use by the public of motor vehicles of all kinds has caused serious traffic congestion in streets of such cities; that the parking of motor vehicles in the streets has contributed to this congestion; that such congestion prevents the free flow of traffic in, through and from such cities, impedes the rapid and effective fighting of fires and disposition of police force, threatens irreparable loss in the values of urban property within said cities which can no longer be readily reached by vehicular traffic and endangers the health, safety and welfare of the general public; that this traffic congestion is not capable of being adequately abated except by provisions of sufficient off-street parking facilities; that adequate off-street parking facilities have not been provided and parking spaces now existing must be forthwith supplemented by off-street parking facilities provided by public undertaking; and that the enactment of the provisions of this act is hereby declared to be a public necessity. This act shall apply only to such cities.

Section 2. Definitions. When used in this act, unless the context plainly indicates otherwise, the present tense shall include the future tense, the singular shall include the plural, the plural shall include the singular and the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Authority” means a public corporation organized pursuant to the provisions of this act.

“Authorizing subdivision” means any city in this state having a population of not less than 22,000 nor more than 25,000, according to the most recent federal decennial census.

“Board” means the board of directors of the authority.

“Bond” means any bond authorized to be issued pursuant to the provisions of this act.

“Coupon” means any interest coupon evidencing an installment of interest payable with respect to a bond.

“Director” means a member of the board of directors of the authority.

“Indenture” means a mortgage, an indenture of mortgage, deed of trust, trust agreement, or trust indenture executed by the authority as security for its bonds.

“Parking facility” means any building, structure, land, right-of-way, equipment or instrumentality used or useful in connection with the construction, enlargement, development,

maintenance or operation of an area or building for off-street parking of motor vehicles, or in connection with the exercise of any power of the authority.

Section 3. Authority and Procedure to Incorporate. Pursuant to the provisions of this act, parking authorities may be organized as public corporations with the powers herein set forth. To organize such a corporation, not less than three natural persons shall file with the governing body of any city having a population of not less than 22,000 nor more than 25,000, an application in writing for permission to incorporate a public corporation under the provisions of this act and shall attach to such application a proposed form of certificate of incorporation for such corporation. If each governing body with which the application is filed shall adopt a resolution (which need not be published or posted) approving the form of such certificate of incorporation and authorizing the formation of such a public corporation, then said applicants shall become the incorporators of and shall proceed to incorporate the authority as a public corporation in the manner hereinafter provided, using for that purpose the form of the certificate so approved.

Section 4. Contents of Certificate of Incorporation. The certificate of incorporation of the authority shall state: (a) the names of the persons forming the authority together with the residence of each thereof, and a statement that each of them is a duly qualified elector of and owner of property in the city; (b) the name of the authority (which name shall include the words "PARKING AUTHORITY"); (c) the period for the duration of the authority (if the duration is to be perpetual that fact shall be so stated); (d) the names of the authorizing subdivision together with the date on which the governing body thereof adopted a resolution authorizing the incorporation of the authority; (e) the proposed location of the principal office of the authority, which shall be within the boundaries of the authorizing subdivision; (f) a statement as to whether employees of the authority shall or shall not be subject to civil service laws, retirement laws, and disability laws applicable to employees of the authorizing subdivision, which may be then in effect or thereafter enacted; and (g) any other matters relating to the authority that the incorporators may choose to insert and that is not inconsistent with this act or with the laws of the state.

Section 5. Execution and Recording of Certificate of Incorporation. The certificate of incorporation of the authority shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgments to deeds and shall have attached thereto a

certified copy of the resolution provided for in Section 3 hereof and a certificate by the Secretary of State that the name proposed for the authority is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty. The certificate of incorporation of the authority, together with the documents required by the preceding sentence to be attached thereto, shall be filed for record in the office of the Judge of Probate of the county in which the principal office of the authority shall be located. The Judge of Probate shall forthwith receive and record the same. When such a certificate of incorporation and attached documents have been so filed, the authority referred to therein shall come into existence and shall constitute a public corporation, under the name set forth in such certificate of incorporation, whereupon the authority shall be vested with the rights and powers herein granted.

Section 6. Board of Directors of the Authority. The authority shall be governed by a board of directors of five or more members. The city governing body shall appoint the members of the board of directors. No officer of the state or any county, city or town therein shall, while holding such office, be eligible to serve as a director. The term of office of each director shall be four years. If any director resigns, dies or becomes incapable or ineligible to act as a director, a successor to serve the unexpired portion of his term shall be appointed in the manner prescribed hereinabove. Directors shall be eligible for reappointment. The members of the board of directors shall elect one of their members to serve as chairman.

A majority of the members of the board of directors shall constitute a quorum for the transaction of business but any meeting of such board may be adjourned from time to time by a majority of the directors present or may be so adjourned by a single director if such director is the only director present at such meeting. No vacancy in the membership of the board of directors shall impair the right of a quorum to exercise all the powers and duties of the authority. The board of directors shall hold regular meetings on the second Tuesday in each month, and at such other times as may be provided in the by-laws of the authority; and such board may hold other meetings at any time and from time to time, provided that upon call of the chairman of the authority or any two directors, a special meeting of the board must be held. Any matter on which the board of directors is authorized to act may be acted upon at any regular, special or called meeting. At the request of any director, the vote on any question before the board shall be taken by yeas and nays and entered upon the record. All proceedings of the board shall be reduced to writing by

the secretary of the authority, recorded in a well bound book and open to each director and to the public at all times. Copies of such proceedings, when certified by the secretary of the authority under its seal, shall be received in all courts as evidence of the matters and things therein certified. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. If the certificate of incorporation so provides, each director shall also be compensated by the authority in an amount not to exceed \$20.00 per month, at a rate authorized by the board and by the certificate but not to exceed \$10.00 for each board meeting attended by him. Any director of the authority may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in said Section 175.

Section 7. Officers of the Authority. The officers of the authority shall consist of a chairman, a vice-chairman, a secretary, a treasurer and such other officers as the board shall deem necessary to accomplish the purposes for which the authority was organized. The chairman, vice-chairman and secretary of the authority shall be elected by the board from its membership, but neither the treasurer nor any of the other officers of the authority need be a member of the board of directors. The offices of secretary and treasurer may, but need not be, held by the same person. The chairman, vice-chairman and secretary of the authority shall be elected by the board for a term of one year, and the treasurer and the other officers of the authority shall be elected by the board for such term as it deems advisable. Subject to the provisions of its certificate of incorporation, the authority shall have also the authority to employ all personnel as it deems necessary and to fix the terms and conditions of their employment. The duties of the chairman, vice-chairman, secretary and treasurer shall be such as are customarily performed by such officers and as may be prescribed by the board. The duties of any other officer of the authority shall be such as are from time to time prescribed by the board.

Section 8. Powers of the Authority—in General. The authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form: (1) to have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation; (2) to sue and be sued in its own name in civil suits and actions; (3) to adopt and make use of a corporate seal and to alter the same at pleasure; (4) to adopt and alter by-laws for the regulation and

conduct of its affairs and business; (5) to acquire, receive, take and hold, whether by purchase, gift, lease, devise, or otherwise, property of every description, whether real, personal or mixed, and to manage said property, and to develop any undeveloped property owned, leased or controlled by it; (6) to execute such contracts and other instruments and to take such other action as may be necessary or convenient to carry out the purposes of this act or the exercise of any powers granted hereunder; (7) to plan, establish, develop, acquire, lease, construct, enlarge, improve, maintain, equip, operate, regulate and protect parking facilities; (8) subject to approval of the governing body of the authorizing subdivision, to lease or let such facilities or any one or more of them to such tenant or tenants, for such term or terms, at such compensation or rental and subject to such provisions, limitations and conditions as the authority may require or approve; (9) to issue interest bearing revenue bonds payable from the limited sources hereinafter referred to; (10) to pledge for payment of such bonds any revenues and funds from which such bonds are made payable; (11) to make and enter into contracts, leases and agreements incidental to or necessary for the accomplishment of any purpose or purposes for which the authority was organized; (12) to appoint, employ, contract with and provide for compensation of such officers, employees and agents, including engineers, attorneys, consultants, fiscal advisers and such other employees as the business of the authority may require, including the power to fix working conditions by general rule and other conditions of employment and, subject to the provisions of the certificate of incorporation of such authority, the power at its option to provide a system of disability pay, retirement compensation and pensions, or any of them, and to hire and fire servants, agents, employees and officers at will; (13) to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility or other property owned or controlled by the authority (14) to make and enforce rules and regulations governing the use of any parking facility owned or controlled by the authority; (15) to secure such insurance, including use and occupancy insurance and liability insurance, as the board may deem advisable; (16) to invest any funds of the authority that the board may determine are not presently needed for its corporate purposes in any obligations which are direct general obligations of the United States of America or which are unconditionally guaranteed as to both principal and interest by the United States of America, or in bonds of the state or any county, city or town therein; (17) to cooperate with the state, any county, city, town, public corporation, agency, department, or political subdivision of the state, and to make such contracts with them or any of them as the board may deem advisable to accomplish the purposes for

which the authority was established; (18) subject to the approval of the governing bodies of the authorizing subdivisions, to sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful; and (19) to receive and accept grants for or in aid of the construction, extension, improvement, maintenance or operation of any parking facility from the United States of America or any agency thereof, and from the state, any department or agency thereof and any political subdivision thereof, and to receive and accept money, property, labor or other things of value from any source whatever; and (20) to purchase equipment and supplies necessary or convenient for the exercise of any power of the authority. Nothing herein shall be construed to authorize the acquisition by eminent domain of any real property or rights owned or held by railroads or utilities, both public or private.

Section 9. Leases of Parking Facilities. In the event the board of directors of the authority determines that it is in the best interest of the authority to lease one or any number of its parking facilities, such authority shall by published notice invite the submission of bids for the lease and operation of said facility by the highest satisfactory bidder. The notice of the invitation for such bids shall be published at least once a week for three successive weeks preceding the date required for submission of bids, in a newspaper of general circulation in the county in which is located the principal office of the authority. Said published notice shall set out such terms, provisions, and conditions for the lease of the facility as the board may deem necessary or desirable to be included in the lease agreement. The board shall have the power to reject all bids in the event no bid is received which conforms to the provisions, terms and conditions set out in the published notice provided for hereinabove, but in that event the authority shall promptly advertise, in the manner prescribed hereinabove for new bids to be submitted not more than three months after the date prescribed for the original submission. Prior to leasing any such parking facility, the board must determine and find the following: (1) The amount necessary in each year to pay the principal of and interest on any bonds of the authority issued hereunder or proposed to be issued hereunder to finance the acquisition and construction of said facility; (2) the amount necessary to be paid each year into any reserve funds which the board may deem it advisable to establish in connection with the retirement of said bonds and the maintenance of said parking facility; and, unless the terms under which said facility is to be leased provide that the lessee shall maintain said facility and carry all insurance (including liability insurance) deemed proper by the board with respect thereto; (3) the estimated cost of maintaining said facility in good repair and securing

such insurance. The agreement for the lease of any such parking facility by an authority hereunder shall provide for payment of rentals, based on such findings and determinations, as are sufficient (a) to pay the principal of and interest on any bonds of the authority issued hereunder to finance the acquisition and construction of that facility, (b) to build up and maintain any reserves deemed by the board to be advisable in connection therewith, and (c) unless the agreement of lease provides that the lessee shall maintain and carry all insurance (including liability insurance) deemed proper by the board with respect to said facility, to pay the cost of maintaining said facility in good repair and paying for such insurance. The lease agreement may, at the discretion of the board, contain provisions prescribing minimum operating hours, maximum charges to be collected by the operator, and other terms to be observed by the lessee.

Section 10. Federal and State Aid. The authority is hereby authorized to accept, receive, receipt for, disburse and expend federal and state moneys and other moneys, public or private, made available by grant or loan or both, to accomplish, in whole or in part, any of the purposes of this act. All federal moneys accepted under this section shall be accepted and expended by the authority upon such terms and conditions as are prescribed by the United States and as are not inconsistent with the laws of this state, and all state moneys accepted under this section shall be accepted and expended by the authority upon such terms and conditions as are prescribed by law.

Section 11. Cooperation. For the purpose of aiding and cooperating with the authority in the planning, development, undertaking, construction, extension, improvement or operation of parking facilities, any county, city, town or other political subdivision, public corporation, agency or instrumentality of this state may, upon such terms and with or without consideration, as it may determine:

- (a) Lend or donate money to the authority;
- (b) Donate, transfer, assign, sell or convey to the authority any right, title or interest which it may have in any lease, contract, agreement, license or property;
- (c) Do any and all things, whether or not specifically authorized in this section and not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with the authority in the planning, undertaking construction, acquisition or operation of parking facilities.

Section 12. Bonds of the Authority. Subject to approval of the governing body of the authorizing subdivision, the authority shall have the power and is hereby authorized at any

time and from time to time to issue and sell its interest bearing revenue bonds for any of its corporate purposes. The principal of and the interest on all such bonds shall be payable solely from, and may be secured by a pledge of, the revenues derived by the authority from the operation of any or all of its parking facilities and other property. None of the bonds issued or contracts entered into by the authority shall ever constitute or create an obligation or debt of the state, or of any county, city or town within the state, or a charge against the credit or taxing powers of the state, or of any county, city or town within the state. Bonds of the authority may be issued at any time and from time to time, may be in such form and denominations, may be of such tenor, may be payable in such installments and at such time or times not exceeding forty years from their date, may be payable at such place or places whether within or without the state, and may bear interest at such rate or rates payable and evidenced in such manner, all as shall not be inconsistent with the provisions of this act and as may be provided in the proceedings of the board wherein the bonds shall be authorized to be issued. Any bond having a stated maturity more than ten years after its date shall be made subject to the redemption at the option of the authority not later than the expiration of ten years from its date and on any interest payment date thereafter at such price or prices and after such notice or notices and on such terms and in such manner as may be provided in the proceedings of the board wherein it is authorized to be issued. Bonds of the authority may be sold at public or private sale in such manner and from time to time as may be determined by the board. The authority may pay all reasonable expenses, premiums, fees and commissions that the board may deem necessary or advantageous in connection with the authorization, sale and issuance of its bonds. All bonds shall contain a recital that they are issued pursuant to the provisions of this act, which recital shall be conclusive that they have been duly authorized pursuant to the provisions of this act. Neither a public hearing nor consent of the State Department of Finance shall be prerequisite to the issuance of bonds by any authority. Notwithstanding the fact that they are payable solely from a specified source, all bonds issued under the provisions of this act shall be deemed negotiable instruments within the meaning of the negotiable instruments law of the state if they otherwise possess all the characteristics of negotiable instruments under the laws of the state.

Section 13. Execution of bonds. All bonds shall be signed by the chairman or vice-chairman and the secretary or treasurer of the authority and the seal of the authority shall be affixed thereto provided that facsimile of the signature of one, but not both, of the officers whose signatures will appear on the bonds may be imprinted or otherwise reproduced thereon in

lieu of his manually signing the same; and provided further, that a facsimile of the seal of the authority may be imprinted or otherwise reproduced on the bonds in lieu of being manually affixed thereto. Coupons shall be signed by the chairman or vice-chairman and the secretary or treasurer of the authority, but a facsimile of the signature of such chairman or vice-chairman and such secretary or treasurer may be impressed or otherwise reproduced on any such interest coupons in lieu of their manually signing the same. Delivery of bonds so executed shall be valid notwithstanding any changes in officers or in the seal of the authority after the signing and sealing of the bonds.

Section 14. Security for Bonds. In the discretion of the authority any bonds may be issued under and secured by an indenture between the authority and a trustee. Said trustee may be a private person or corporation, including but not limited to any trust company or bank having trust powers, whether such bank or trust company is located within or without the state. In any such indenture or resolution providing for the issuance of bonds the authority may pledge, for payment of the principal of and the interest on such bonds, any of its revenues to which its right then exists or may thereafter come into existence and may assign, as security for such payment, any of its leases, franchises, permits and contracts; and in any such indenture, the authority may with the approval of the governing body of the authorizing subdivision mortgage any of its properties, including any that may be thereafter acquired by it. Any such pledge of revenues shall be valid and binding from time it is made, and the revenues so pledged and thereafter received by the authority shall immediately become subject to the lien of such pledge without any physical delivery thereof or further act. The lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether the parties have actual notice thereof, from the time a statement is filed in the office of the Judge of Probate of the county in which is located the principal office of the authority. Such notice need state only the date on which the resolution authorizing the issuance of the bonds was adopted by the board, the principal amount of bonds issued, a brief description of the revenues so pledged and a brief description of any property the revenues from which are so pledged. In any indenture or resolution authorizing the issuance of bonds and pledging for the benefit thereof revenues from any one or more of its parking facilities, the authority shall have the power to include provisions customarily contained in instruments securing evidence of indebtedness, including without limiting the generality of the foregoing, provisions respecting the collection, segregation and application of any rental or other revenues due to or

to become due to the authority, the terms to be incorporated in any lease agreement respecting any property of the authority, the maintenance and insurance of any building or structure owned by the authority, the creation and maintenance of special funds from any revenue of the authority and the rights and remedies available in the event of default to the holder of the bonds or the trustee under the indenture, all as the board shall deem advisable and as shall not be in conflict with the provisions of this act. If there be any default by the authority in payment of the principal of or the interest on the bonds or in any of the agreements on the part of the authority that may properly be included in any indenture securing the bonds, any holder of any of the bonds or any of the coupons, or the trustee under any indenture if so authorized in such indenture, may (in addition to any other remedies herein provided or otherwise available) either at law or in equity, by suit, action, mandamus or other proceedings, enforce payment of such principal or interest and compel performance of all duties of the board and officers of the authority, and shall be entitled as a matter of right and regardless of the sufficiency of any security to the appointment of a receiver in equity with all the powers of such receiver for the operation and maintenance of the property of the authority covered by such indenture and the collection, segregation and application of revenues therefrom. The indenture may also contain provisions restricting the individual rights of action of the holder of the bonds and coupons.

Section 15. Use of Proceeds from Sale of Bonds. The proceeds derived from the sale of any bonds (other than refunding bonds) may be used only to pay the cost of acquiring, constructing, improving, enlarging and equipping the parking facilities or property with respect to which they were issued, as may be specified in the proceedings in which the bonds are authorized to be issued. Such cost shall be deemed to include the following: the cost of any land forming a part of such facilities; the cost of labor, material and supplies used in any such construction, improvement or enlargement, including architects' and engineers' fees and the cost of preparing contract documents and advertising for bids; the purchase price of and the cost of installing equipment for the facilities; the cost of landscaping the lands forming a part of such facilities and of constructing and installing roads, sidewalks, curbs, gutters and utilities in connection with the facilities; legal, fiscal and recording fees and expenses incurred in connection with such facilities; and interest on said bonds for a reasonable period prior to and during the time required for such construction and equipment and for not exceeding eighteen months after completion of such construction and equipment. If any of the proceeds derived from the sale of said bonds remains undisbursed after completion of such work and payment of all of the said costs

and expenses, such balances shall be used for retirement of the principal of the bonds of the same issue.

Section 16. Refunding Bonds. The authority may at any time and from time to time issue refunding bonds for the purpose of refunding, the principal of and the interest on any bonds of the authority theretofore issued hereunder and then outstanding, whether or not such principal and interest shall have matured at the time of such refunding, and for the payment of any expenses incurred in connection with such refunding and any premium necessary to be paid in order to redeem, retire or purchase for retirement the bonds to be refunded. The proceeds derived from the sale of any refunding bonds shall be used only for the purposes for which the refunding bonds were authorized to be issued. Any such refunding may be effected either by sale of the refunding bonds and the application of the proceeds thereof, or by exchange of the refunding bonds for the bonds or interest coupons to be refunded thereby; provided that the holders of any bonds or coupons so to be refunded shall not be compelled without their consent to surrender their bonds or coupons for payment or exchange prior to the date on which they may be paid or redeemed by call of the authority under their respective provisions. All provisions of this act pertaining to bonds of the authority that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to refunding bonds issued by the authority. The authority may at any time and from time to time issue bonds for the purpose of so refunding the principal of and the interest on any of its bonds and for any other purpose for which it is authorized to issue bonds, in which event the provisions hereof respecting refunding bonds shall apply only to the portion of such combined issue authorized for refunding purposes and the provisions hereof respecting other financing shall apply to the remaining portion of such combined issue.

Section 17. Exemption from Taxation. The bonds issued by the authority and the income therefrom shall be exempt from all taxation in the state. All property and income of the authority shall be exempt from all state, county, municipal and other local taxation; provided, however, this exemption shall not be construed to exempt concessionaires, licensees, tenants, operators or lessees of or any parking facility owned by any authority from the payment of any taxes, including licenses or privilege taxes levied by the state, the county or any municipality in the state.

Section 18. Investment of County and Municipal Funds in Bonds of the Authority. The governing body of any county, city or town within this state is authorized in its discretion to

invest in bonds of the authority any idle or surplus money held in its treasury.

Section 19. Eligibility of Bonds as Investments for Trust Funds. Bonds issued under the provisions of this act are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority. Such bonds shall be legal investments for savings banks and insurance companies organized under the laws of the state.

Section 20. Notice of Bond Resolution. Upon the adoption by the board of any resolution providing for the issuance of bonds, the authority may in its discretion cause to be published once a week for two consecutive weeks, in a newspaper that is customarily published in this state not less than five days in each calendar week and distributed in the county in which is located the principal office of the authority, a notice in substantially the following form (the blanks being properly filled in) at the end of which there shall be printed the name and title of either the chairman or secretary of the authority: "....., a public corporation of the State of Alabama, on the day of, authorized the issuance of \$..... principal amount of revenue bonds of the said corporation for purposes authorized in the act of the Legislature of Alabama under which the said corporation was organized. Any action or proceeding questioning the validity of the said bonds, or the pledge and any instruments securing such bonds, or the proceedings authorizing the same, must be commenced within thirty days after the first publication of this notice." Any action or proceeding in any court to set aside or question the proceedings for the issuance of the bonds referred to in said notice or to contest the validity of any such bonds or the validity of the pledge and any instruments made to secure such bonds must be commenced within thirty days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of the said proceedings, the said bonds or the said pledge or instruments shall be asserted, nor shall the validity of the said proceedings, bonds, pledge or instruments be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 21. Contracting and Purchasing Restrictions. Laws, regulations and ordinances relating to the advertising and award of construction contracts and purchase contracts made by or in behalf of the authorizing subdivision shall be applicable to any authority granted permission to incorporate

by said authorizing subdivisions. Nothing herein shall exempt such authorities from laws relating to surety bond requirements for such contracts. The board of directors of the authority shall make annual reports to the governing body of the authorizing subdivision and the books, records, and accounts of the authority shall be audited annually or at such other times as the city governing body may direct.

Section 22. Suits against the Authority or any Director. No action or suit shall be brought or maintained against the authority or any director thereof, for or on account of the negligence of such authority or director, or its or his agents, servants or employees, in or about the construction, maintenance, operation, superintendence or management of any public transit system or other facility owned or controlled by the authority.

Section 23. Dissolution of Authority. At any time, when no bonds of the authority are outstanding, the authority may be dissolved upon the filing with the Judge of Probate, in the county in which is filed the certificate of incorporation, of an application for dissolution, which shall be subscribed by each of the members of the board and sworn to by each member before an officer authorized to take acknowledgements to deeds. Upon the filing of such application for dissolution, the authority shall cease to exist. Said Probate Judge shall receive and record the application for dissolution in an appropriate book of record in his office. Upon dissolution, all rights, title and interest of the authority in property shall be vested in the authorizing subdivision.

Section 24. Provisions are Cumulative. The provisions of this act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with provisions of this act.

Section 25. Severability Clause. In the event any section, sentence, clause or portion of this act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this act, which shall continue effective.

Section 26. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 564

S. 111—Pearson

AN ACT

To amend Section 16-113 of Acts No. 1205, S. 400 of the 1975 Regular Session, relating to the uniform fee system in circuit and district courts, to add the collection and payment of fees in the sales of abandoned automobiles provided by Act No. 1154, H. 675 of the 1971 Regular Session (Acts 1971, Vol. III, p. 1999).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-113 of Act No. 1205, S. 400 of the 1975 Regular Session is hereby amended to read as follows:

“§16-113. Collection of additional fees in civil cases. The following fees shall be collected in civil cases in circuit court and district court:

“(a) Defendant service fees.

(1) For each defendant in excess of one where personal service is required there shall be collected a service fee of five dollars. For each non-resident defendant there shall be collected a service fee of five dollars, except where service is by publication or by registered mail not to be cumulative with the service fee for multiple defendants. This service fee shall be paid at the time of filing, except that prepayments will not be required if the court finds that payment of such fee will constitute a substantial hardship. A verified statement signed by plaintiff, approved by the court, shall be filed with the clerk of court attesting to such substantial hardship.

“(2) Where notice by publication or registered mail is used, the actual cost shall be collected before publication as a service fee at the outset of the case.

“(b) Witness and subpoena fees.

“Witness fees shall be collected in the amount prescribed by law. For service of witness subpoenas a fee of two dollars shall be collected for each subpoena.

“(c) Post-judgment fees. There shall be collected a fee for the initiation of each of the following post-judgment proceedings: attachment, garnishment and execution. The fee for each such proceeding shall be paid at the time the proceeding is initiated. The amounts of the post-judgment fees are: nine dollars for attachment, nine dollars for garnishment and five dollars for execution.

“(d) Additional post-judgment fees paid by county. Fees due to constables and coroners for services in connection with district and circuit court proceedings shall be payable from the county treasury upon a sworn statement certified by the circuit

clerk and shall not affect the collection and distribution of uniform fees.

“(e) Thirty-five dollars fee for report of sales of abandoned automobiles, to be paid to and collected by the Circuit Court as prescribed in Act No. 1154, H. 675 of the Regular Session of 1971, (Acts, 1971, Vol. III, p. 1999).”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 565

S. 130—McMillan, Gilmore, Pearson, Owen,
Wilson, Clemon, Vacca, Ellis,
Littleton

AN ACT

To authorize the Director of Finance, the Highway Director, the Attorney General, the State Treasurer and the Executive Secretary to the Governor to become a corporation; to prescribe the powers of such corporation, including the power to construct interstate and defense highways in the State and to finance such construction by the issuance of its Bonds; to authorize the Corporation to issue not exceeding \$212,000,000 aggregate principal amount of Bonds; to authorize the issuance of Temporary Bonds and Notes in anticipation of the issuance of such Bonds; to provide that no such Obligations shall create an obligation or debt of the State but that such Obligations shall be limited obligations payable solely out of federal aid interstate and defense highway funds to be received during federal fiscal years ending in 1978 through 1983, the proceeds of the taxes and fees in respect of gasoline and other motor fuels, and motor vehicles and the sale, receipt or use thereof, interest on the investment of funds herein provided for, and the revenues of the Corporation appropriated and pledged in this Act; to provide for the pledge of such funds, taxes, fees, interest and appropriations to the payment of said Obligations; to provide that such Obligations and the income therefrom shall be exempt from taxation; to provide that such Obligation may be used to secure deposits of funds of the State and its instrumentalities and agencies and shall be lawful for the investment of trust funds; to authorize the Corporation to pledge for payment of the principal of and interest on such Obligations the money appropriated and the funds, taxes, fees, interest and appropriations pledged in this Act; and otherwise to provide for or accelerate the construction of interstate and defense highway projects; and to confer on said Corporation the power of eminent domain.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Intent. It is the intention of the Legislature by the passage of this Act to authorize the incor-

poration by the Director of Finance, the Highway Director, the Attorney General, the State Treasurer and the Executive Secretary to the Governor of Alabama, for the purpose of anticipating and providing for the 9 to 1 federal matching share of the cost of constructing federal-aid interstate and defense highways, together with work incidental and related thereto, and thus to accelerate the construction of such interstate and defense highways in the State by the issuance of the Obligations of such Corporation which shall not be bonds or debts of the State, but shall be payable solely from federal-aid highway funds to be received during the federal fiscal years ending 1978 through 1983, the tax proceeds and investment income herein-after provided therefor. This Act shall be liberally construed in conformity with the said purpose.

Section 2. Definitions. Where used in this Act, the following words and terms shall be given the following respective meanings unless the context clearly indicates otherwise:

“Authority” means Alabama Federal Aid Highway Finance Authority, a public corporation and instrumentality of the State authorized to be organized under the provisions of this Act.

“Board of Directors” means the Board of Directors of the Authority.

“Bonds” means the Bonds that in this Act are authorized to be sold and issued by the Authority.

“Corporation” means the Authority.

“Gasoline tax appropriation act” means Act No. 224, adopted at the Special Session of 1967 of the Legislature, as amended.

“Highway gasoline tax” means (a) the excise tax levied in Section 647 of Title 51 of the Code of Alabama of 1940, as amended, exclusive of those portions of said tax in respect of aviation fuel and marine gasoline, as those terms as used in said Section 647, and (b) the excise tax levied by Act No. 674, adopted at the 1961 Regular Session of the Legislature, as amended, exclusive of that portion of the said tax in respect of diesel fuel.

“Legislature” means the Legislature of Alabama.

“Net gasoline tax proceeds” means the entire proceeds from the gasoline tax less the cost of collection and less any refunds of the said proceeds pursuant to the provisions of Act No. 674 adopted at the 1961 Regular Session of the Legislature, as amended, or pursuant to the provisions of Act No. 743, adopted at the 1957 Regular Session of the Legislature, as amended.

"Note" means the Authority's promise to pay solely from the funds herein provided, and having a specified maturity date of not later than three years after its date.

"Obligations" means any Bonds, Temporary Bonds or Notes authorized by this Act to be issued by the Authority.

"State" means the State of Alabama.

"State share of the net gasoline tax proceeds" means the forty-five per centum of the net gasoline tax proceeds allocated and appropriated for state highway purposes in Section 2 of the gasoline tax appropriation act.

"Temporary Bond" means any bond without coupons issued hereunder, which has a specified maturity date of not later than three years after its date.

Section 3. Authority to Incorporate. The Director of Finance, the Highway Director, the Attorney General, the State Treasurer and the Executive Secretary to the Governor may become a corporation with the powers and authorities herein-after provided, by proceeding according to the provisions of this Act.

Section 4. Proceeding to Incorporate. To become a corporation, the Director of Finance, the Highway Director, the Attorney General, the State Treasurer and the Executive Secretary to the Governor shall present to the Secretary of State of Alabama an application signed by them which will set forth:

(A) The name, official designation and official residence of each of the applicants;

(B) The date on which each applicant was inducted in the office and the term of office of each of the applicants;

(C) The name of the proposed Corporation, which shall be Alabama Federal Aid Highway Finance Authority;

(D) The location of the principal office of the proposed Corporation; and

(E) Any other matter relating to the proposed Corporation which the applicants may choose to insert and which is not inconsistent with this Act or the laws of the State of Alabama. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by laws of the State of Alabama to take acknowledgments to deeds. The Secretary of State shall examine the application and, if he finds that it substantially complies with the requirements of this Section, he shall receive and file it and record it in an appropriate book of records in his office.

Section 5. Certificate of Incorporation. When the application has been made, filed and recorded, as herein provided, the applicants shall constitute a corporation under the name proposed in the application and the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this Act, under the Great Seal of the State, and shall record the same with the application. There shall be no fees paid to the Secretary of State for any work in connection with the incorporation or dissolution of the Corporation so organized.

Section 6. Members, Officers and Directors of the Corporation. The applicants named in the application and their respective successors in office shall constitute the members of the Corporation. The Director of Finance shall be the president of the Corporation, the Executive Secretary to the Governor shall be the vice president of the Corporation, the Highway Director shall be the secretary of the Corporation, and the State Treasurer shall be the treasurer of the Corporation and shall act as custodian of its funds. The members of the Corporation shall constitute all the members of the Board of Directors of the Corporation, and any three members of said Board of Directors shall constitute a quorum for the transaction of business. Should any of said officials of the State die, or should his term of office (as Director of Finance, Highway Director, Attorney General, State Treasurer or Executive Secretary to the Governor, as the case may be) expire or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the Corporation. No member, officer or director of the Corporation shall draw any salary, in addition to that now authorized by law, for any service he may render or any duty he may perform in connection with the Corporation. All proceedings had and done by the Board of Directors shall be reduced to writing by the Secretary of the Corporation and recorded in a substantially bound book. Copies of such proceedings, when certified by the secretary of the Corporation under the seal of the Corporation, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 7. Corporate Powers. The Corporation shall have the following powers:

(A) To have perpetual succession by its corporate name unless sooner dissolved pursuant to Section 19 of this Act;

(B) To sue and be sued and to prosecute and defend any action in any court having jurisdiction of the subject matter and of the parties;

(C) To have and to use a corporate seal and to alter the same at pleasure;

(D) To construct, reconstruct and relocate or to cause to be constructed, reconstructed and relocated, interstate and defense highways, including work incidental or related thereto, in the State of Alabama;

(E) To acquire by purchase, gift, or condemnation, or any other lawful means or any combination of such means, and to convey or cause to be conveyed, to the State of Alabama, any real, personal or mixed property necessary or convenient in connection with the construction of interstate and defense highways and approaches thereto in the State of Alabama, or the reconstruction or relocation of interstate and defense highways in said State;

(F) To exercise the right of eminent domain as freely and completely as, and in the same manner that, the State of Alabama is empowered to exercise such right;

(G) To borrow money for its corporate purposes and in evidence of such borrowing to sell and issue its Obligations and to refund such Obligations;

(H) As security for payment of the principal of and the interest on its Bonds and Notes, to pledge the proceeds of the appropriations and pledges herein provided for; and

(I) To appoint and employ such officers, attorneys, and agents as the business of the Corporation may require.

Section 8. Authorization to Issue Bonds and Notes. The Authority shall have the power and is hereby authorized and empowered to sell and issue, its Bonds, not exceeding \$212,000,-000 in aggregate principal amount in order to provide as soon as practicable the 9 to 1 federal portion of the cost of constructing interstate and defense highways in anticipation of the receipt of such federal portion as it becomes available either during or on completion of such construction, it being understood that the cost to be reimbursed by the federal government does not include the expense of borrowing or interest on Obligations issued by the Authority. The Authority shall have the power, in addition to any other powers granted in this Act, to borrow money for temporary use for any of the purposes for which it is authorized hereunder to issue Bonds, and in evidence of such borrowing, to issue, from time to time, either with or without public sale, Temporary Bonds or Notes. Any such temporary borrowing may be made in anticipation of the sale and issuance of Bonds and in such event the principal proceeds from the sale of such Bonds shall, to the extent necessary, be used for payment of the principal of and interest on the Temporary Bonds or Notes issued in anticipation of the sale and issuance of such Bonds.

Section 9. Details Respecting the Obligations. Any Obligations authorized hereunder, shall be in such forms and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, and may contain other provisions not inconsistent with this Act, all as may be provided in the resolution or resolutions of the Board of Directors in which such Obligations are authorized to be used; provided that none of the Bonds shall have a maturity date later than eight years after its date, and none of the Temporary Bonds or Notes shall have a maturity date later than three years after its date. The Authority may at its election retain in the resolution or resolutions under which any Obligation is issued, an option to redeem all or any thereof at such redemption price or prices and after such notice or notices and on such terms and conditions as may be set forth in the said resolution or resolutions and as may be briefly recited in the face of such Obligation with respect to which such option of redemption is retained.

Section 10 Execution of the Obligations. The Obligations authorized hereunder, shall be signed by the president or vice president of the Authority (as the Board of Directors shall designate) and attested by its secretary or an assistant secretary (as the Board of Directors shall designate); provided, that a facsimile of the signature of one, but not of both of the said officers may be printed or otherwise reproduced on any of the Obligations authorized hereunder, in lieu of their being manually signed. All interest coupons applicable to the Bonds shall be signed by the president or vice president of the Authority (as the Board of Directors shall designate); provided that a facsimile of the signature of such officer may be printed or otherwise reproduced on any of the interest coupons in lieu of their being manually signed. The seal of the Authority shall be impressed on the Bonds and Temporary Bonds authorized hereunder, provided that a facsimile of the said seal may be printed or otherwise reproduced in lieu of being manually impressed thereon.

Section 11. Issuance and Sale of the Obligations. The Bonds shall be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest total net interest cost to the Authority, for the Bonds being sold, computed from their date to their respective maturities and taking into account any premium named in the bid therefor; provided that if no bid acceptable to the Authority is received, it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the State, which is customarily published not less than five days during each

calendar week, each of which notice must be published at least one time not less than ten days prior to the date fixed for the sale. The Board of Directors may fix the terms and conditions under which each such sale may be held; provided, that none of the Bonds may be sold for a price less than the face value thereof; and provided, further, that such terms and conditions shall not conflict with any of the requirements of this Act. Any Temporary Bonds or Notes authorized hereunder may be sold by the Authority at either public or private sale as the Board of Directors may determine. Approval by the Governor of Alabama of the terms and conditions under which any of the Obligations authorized hereunder may be issued shall be requisite to their validity, which approval signed by the Governor shall be entered on minutes of the respective meetings of the Board of Directors at which such Obligations proposed to be issued are authorized. Neither a public hearing nor consent by the State Department of Finance nor any other department or agency shall be a prerequisite to the issuance of any of the Obligations.

Section 12. Obligations to be Limited Obligations; Pledge Therefor; Negotiable Instruments. The Obligations authorized hereunder, shall not be general obligations of the Authority, but shall be payable solely out of the funds appropriated and pledged, in or permitted to be pledged pursuant to, Section 15 and 16 of this Act. As security for the payment of the principal of and interest on the Obligations issued by it under this Act, the Authority is hereby authorized and empowered to pledge for payment of the said principal and interest the funds that are appropriated and pledged in, or permitted to be pledged pursuant to, Sections 15 and 16 of this Act, for payment of said principal and interest. Any Notes or Temporary Bonds issued under this Act shall also be payable from the proceeds of any Bonds in the anticipation of which such Notes are issued. All contracts made and all Obligations issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively the obligation of the Authority and shall not be an obligation or debt of the State. Any Obligation issued hereunder, except Bonds or Temporary Bonds while registered, shall be construed to be negotiable instruments although payable solely from a specified source as herein provided.

Section 13. Obligations and Income Thereon Exempt from Taxation; Obligations May Be Used to Secure Deposits and for Investment of Fiduciary Funds. Any Obligations authorized hereunder, and the income therefrom shall be exempt from all taxation in the State. Any of the Obligations authorized hereunder may be used by the holder thereof as security for the deposit of any funds belonging to the State or to any instrumentality or agency of the State in any instance where security for such deposits may be required by law. Unless otherwise

directed by the court having jurisdiction thereof, or by the document that is the source of power, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest fiduciary funds in any of the Obligations authorized hereunder.

Section 14. Use of Proceeds of Obligations. The Authority shall pay out of the proceeds from the sale of the Obligations authorized hereunder, all expenses that the Board may deem necessary and advantageous in connection with the sale and issuance thereof, but no fees for fiscal agents or financial consultants shall be paid. The proceeds from the issue of any Obligations authorized hereunder (except the proceeds of Bonds used to repay Notes in anticipation of which such Notes shall have been issued), remaining after paying the expenses of their sale and issuance shall be deposited in the State Treasury, shall be credited to the road and bridge fund and shall be subject to be withdrawn by the Authority, upon the approval of the State Highway Department and the Governor, but only for the purpose of paying the ninety percent (90%) of the cost of constructing interstate and defense highways or work incidental or related thereto within the State, including the acquisition of property necessary for such construction and related work, to be repaid to the State by the federal government, and such proceeds shall be used for no other purpose. The proceeds from the sale of the Obligations shall not be expended for any highway construction project until such time as the United States Secretary of Transportation or his designated representative shall have approved the design and location of the project, shall have formally stated in writing that such project will be eligible for federal aid matching funds when such funds become available and shall have entered into a written agreement providing for the repayment of such funds on a 90 to 10 matching basis.

Section 15. Appropriation of Revenues to the Authority; Authorization to the Authority to Pledge for the Benefit of the Bonds and Notes. For the purpose of providing funds to enable the Authority to pay at their respective maturities and due dates the principal of and interest on the Obligations that may be issued by it under this Act, there hereby is irrevocably pledged and appropriated each year all federal aid interstate and defense highway funds to be received by the State Highway Department from the United States Government in each of the federal fiscal years ending in 1978, 1979, 1980, 1981, 1982 and 1983, to the extent that such funds may be required to pay the principal of and interest on such Obligations, and the State Highway Department is hereby authorized and directed to set aside the first moneys so received in each such fiscal year and

deposit the same in the sinking fund hereinafter provided for until there shall have been accumulated therein an amount sufficient to pay the principal of and interest on the Obligations issued by the Authority hereunder which will mature or come due during the twelve month period of such federal fiscal year. All federal aid interstate and defense highway funds received by the State Highway Department from the United States Government during each such federal fiscal year shall be held in trust by the State and applied to the extent required to the payment of the principal of and interest on the Obligations, authorized to be issued under this Act. Should said federal aid interstate and defense highway funds be insufficient or unavailable to pay the principal of and interest on the Obligations issued under the authority of this Act, there is also irrevocably pledged to said purpose and appropriated so much of the following as may be necessary (remaining after compliance with outstanding prior pledges):

(a) So much as may be necessary for such purpose of those portions of the motor vehicle license taxes and registration fees as are provided to be distributed to the State pursuant to the provisions of Article 8 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended;

(b) To such extent and to such extent only as the revenues appropriated under the foregoing subsection (a) of this Section may not be sufficient to pay at their respective maturities or due dates the principal of and interest on such Obligations so much as may be necessary for such purpose [when added to the amounts appropriated in the said subsection (a)] of that portion of the state's shares of the net gasoline tax proceeds;

(c) To such extent and to such extent only as the revenues appropriated under the foregoing subsections (a) and (b) of this Section may not be sufficient to pay at their respective maturities or due dates the principal of and interest on such Obligations, so much as may be necessary for such purpose [when added to the amounts appropriated in the foregoing subsections (a) and (b)] of the entire proceeds of the following excise taxes remaining after payment of the costs of collection thereof: (1) the excise tax levied by Act No. 590 adopted at the 1939 Regular Session of the Legislature, as amended, on distributors and storers of motor fuel, as therein defined, and (2) the excise tax levied by Act No. 674 adopted at the 1961 Regular Session of the Legislature, as amended (exclusive of that portion of the said tax in respect of gasoline); the term "cost of collection" as used in this subsection (c), meaning that portion of the excise taxes referred to in this subsection that may be appropriated by the Legislature to the Department of Revenue for its operating expenses;

(d) To such extent and to such extent only as the revenues appropriated under the foregoing subsections (a), (b) and (c) of this Section may not be sufficient to pay at their respective maturities or due dates the principal of and the interest on such Obligations, so much as may be necessary for such purpose [when added to the amounts appropriated in the foregoing subsections (a), (b) and (c)] of all that portion of the receipts from the inspection fee on certain petroleum products, imposed by Act No. 1403 adopted at the 1971 Regular Session of the Legislature;

(e) To such extent and to such extent only as the revenues appropriated under the foregoing subsections (a), (b), (c) and (d) of this Section may not be sufficient to pay at their respective maturities or due dates the principal of and interest on such Obligations, so much as may be necessary for such purpose [when added to the amounts appropriated in the foregoing subsections (a), (b), (c) and (d)] of all that portion of the receipts from the registration fee imposed by subsection E of Section Thirty of the Motor Carrier Act of 1939, as amended, that is required by the provision of said Section Thirty, as amended, to be deposited in the State Treasury to the credit of the public road and bridge fund; and

(f) To such extent and to such extent only as the revenues appropriated under the foregoing subsections (a), (b), (c), (d) and (e) of this Section may not be sufficient to pay at their respective maturities or due dates the principal of and interest on such Obligations, so much as may be necessary for such purpose [when added to the amounts appropriated in the foregoing subsections (a), (b), (c), (d) and (e)] of the receipts from the fee, in respect of identification markers on motor vehicles, that is provided for in Section 11 of the aforesaid Act No. 674, adopted at the 1961 Regular Session of the Legislature, as amended.

All moneys hereby appropriated and pledged shall be paid into the State Treasury and shall constitute a sinking fund which shall be held in trust to be used to pay the principal of and interest on the Obligations. As security for the payment of the principal of and interest on the Obligations issued under this Act, the Authority is authorized to pledge the proceeds of the appropriation and pledge herein provided for. All pledges made by the Authority shall take precedence in the order of the adoption of the resolutions making such pledges, except as may be otherwise provided in such resolutions.

Section 16. Investment of Proceeds of Obligations and Sinking Fund. Any funds held as the proceeds of Obligations issued by the Authority under this Act and any funds held by the State Treasurer in the sinking fund provided for the pay-

ment of such Obligations, shall be invested in Obligations of the United States of America or in certificates of deposit secured by a deposit of Obligations of the United States of America to the full amount of such certificates of deposit; and the interest to be earned on such investment of funds may be pledged by the Authority to the payment of the principal of and interest on the Obligations issued by the Authority hereunder.

Section 17. Certain Provisions Relating to Highway Construction. If such action shall be necessary in order to comply with any federal legislation relating to federal aid in the construction of roads and highways, the Authority may authorize the State Highway Department to expend directly any portion of such proceeds for constructing, reconstructing and relocating interstate and defense highways or work incidental or related thereto. All contracts of the Authority for the construction, reconstruction and relocation of interstate and defense highways, and work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the State Highway Department, and shall be subject to approval by the Governor and by the State Highway Department. All work provided for in any such contract shall be supervised by the State Highway Department. All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the Authority without the award of a contract therefor, shall be employees of the State Highway Department. The Authority shall make and enforce all reasonable rules and regulations not inconsistent with the terms of this Act or the laws of the State of Alabama, as may in its opinion be proper and suitable, for the protection of said interstate and defense highways and approaches and appurtenances thereto, and for the safety of the traveling public; provided, however, that the above provisions shall apply only to the extent that they are not in conflict with any federal legislation, regulation or requirement relating to federal aid in interstate and defense highway construction. Any property acquired by the Authority by purchase, condemnation or otherwise shall be forthwith conveyed to the State of Alabama. All interstate and defense highways constructed by the Corporation shall constitute part of the public highway system in the State.

Section 18. State Treasurer to Disburse Funds. Out of the revenues appropriated and pledged and the sinking fund provided pursuant to Sections 15 and 16 of this Act, the State Treasurer is authorized and directed to pay the principal of and interest on the Obligations issued by the Authority under this Act, at the respective maturities or due dates of said prin-

cial or interest, and he is further authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 19. Dissolution of the Authority. At any time when no securities of any kind of the Authority (whether issued under this Act or under authorization contained in any other act) are outstanding, the Authority may be dissolved upon the filing with the Secretary of State of an application for dissolution, which shall be subscribed by each of the members of the Authority and which shall be sworn to by each such member before an officer authorized to take acknowledgments to deeds. Upon the filing of said application for dissolution, the Authority shall cease and any property owned by it at the time of its dissolution shall pass to the State of Alabama. The Secretary of State shall file and record the application for dissolution in an appropriate book of record in his office, and shall make and issue under the Great Seal of the State, a certificate that the Authority is dissolved, and shall record the said certificate with the application for dissolution.

Section 20. Severability Clause. In the event any section, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

Section 21. Effective Date. This Act shall become effective immediately upon its approval by the Governor or upon it otherwise becoming a law.

Approved August 24, 1976

Time: 6:30 P.M.

Act No. 566

S. 259—Baker

AN ACT

Providing that the Probate Judge of DeKalb County shall designate from existing clerical positions one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Be It Enacted by the Legislature of Alabama:

Section 1. The Probate Judge of DeKalb County shall designate from existing clerical positions one or more regular clerks in the probate office as deputy registrars empowered to take applications, testimony and oath of applicants for voting registration at any time the probate office is open to the public for business; such applications will then be submitted to the

Board of Registrars at their next meeting and the Board shall notify the applicants in writing of their action thereon.

Section 2. The Board of Registrars is hereby authorized and empowered to promulgate such rules and regulations necessary to carry out the provisions of this act.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 567

S. 261—Baker

AN ACT

To provide that the State Department of Revenue shall collect all gasoline taxes levied in DeKalb County and said department is authorized to promulgate rules and regulations pursuant to the collection of such taxes and to provide for the recovery of the costs of collection of such taxes out of the proceeds of such taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Department of Revenue is hereby authorized and directed to collect all taxes levied by DeKalb County upon the business of selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county gasoline, naptha and other liquid motor fuels or any substitute therefor, commonly used in internal combustion engines.

The State Department of Revenue is hereby further authorized to recover all costs of collecting such taxes from the proceeds of such taxes collected, and said Department is further authorized to promulgate such rules and regulations as are necessary to fascilitate the collection of said gasoline taxes in DeKalb County.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective upon the first day of the first month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 568

S. 330—Little

AN ACT

To alter or rearrange the boundary lines of the Town of Wedowee, Randolph County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Randolph County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Wedowee, Randolph County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Wedowee and in addition thereto the following described territory, to wit:

SW $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, W $\frac{1}{2}$ of NE $\frac{1}{4}$, Section 4, Township 20, Range 11, and NW $\frac{1}{4}$, of NW $\frac{1}{4}$, of Section 14, Township 20, South, Range 11, East in Randolph County, Alabama.

Section 2. This bill to be enacted is to Amend Act No 1078, and H. 1955, approved October 10, 1975, and that this Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 569

S. 331—Little

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Woodland in Randolph County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Woodland in Randolph County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

The SW $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 9, and SW

$\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 16, all lying in Township 19 South, Range 12 East of the Huntsville Meridian, Randolph County, Alabama and containing 160 acres more or less.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 570

S. 343—Baker

AN ACT

Providing that the Probate Judge of Jackson County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Be It Enacted by the Legislature of Alabama:

Section 1. The Probate Judge of Jackson County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications, testimony and oath of applicants for voting registration at any time the probate office is open to the public for business; such applications will then be submitted to the Board of Registrars at their next meeting and the Board shall notify the applicants in writing of their action thereon.

Section 2. The Board of Registrars is hereby authorized and empowered to promulgate such rules and regulations necessary to carry out the provisions of this act.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:00 P.M.

Act No. 571

S. 346—Baker

AN ACT

To repeal Act No. 27, H. 32, 1975 Fourth Special Session (Acts of 1975), entitled "Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 27, H. 32, 1975 Fourth Special Session (Acts of 1975), entitled "Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections," is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 572

S. 345—Baker

AN ACT

To repeal Act No. 28, H. 33, 1975 Fourth Special Session, (Acts of 1975, approved November 12, 1975) entitled "An Act Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 28, H. 33, 1975 Fourth Special Session, (Acts of 1975, approved November 12, 1975) entitled "An Act Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent

federal decennial census, proving that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said Department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collectins," is hereby repealed.

Section 2. This act shall become effective upon the first day of the first month following its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 573

S. 391—St. John

AN ACT

Relating to Cullman County, providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. After September 30, 1979, there shall be a county revenue commissioner in Cullman County. A commissioner shall be elected at the general election in 1978 and at the general election every six years thereafter, who shall serve for a term of six years from the thirtieth day of September next after his election, and until his successor is elected and has qualified.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for taxation, the collection of taxes, the keeping of records and the making of reports concerning assessments for and the collection of taxes.

Section 3. Subject to the approval of the court of county commissioners or other like county governing body, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks, and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and

execute a bond in such sum as may be fixed by the court of county commissioners or like governing body of the county, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the court of county commissioners or other like governing body of the county, and shall be a preferred claim against the county.

Section 5. The court of county commissioners or other like governing body of the county shall provide the necessary offices for the county revenue commissioner in the courthouse, and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor, the tax collector of the county are now or hereafter by law authorized or directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of his office the county revenue Commissioner shall receive an annual salary of \$15,500, payable in equal monthly installments out of the general fund of the county.

Section 7. The offices of tax assessor and tax collector of Cullman County are hereby abolished effective the first day of October 1979.

Section 8. It is the purpose of this Act to promote the public convenience in Cullman County by consolidating the offices of tax assessor and tax collector into one office.

Section 9. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are repealed; and Act No. 625, H. 1215, which was approved October 2, 1975, is hereby expressly repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 574

S. 403—St. John

AN ACT

To amend Act No. 161, H. 182, of the 1973 Regular Session (Acts of 1973, p. 202), which levies and provides for the collection of a lodging tax in Cullman County and provides for the use of the proceeds of such tax for developing and promoting tourism and conventions in the county, amending Section 12 of said act in order to authorize the net proceeds of tax to be paid to the local chamber of commerce to be used in its discretion for the purposes of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12 of Act No. 161, H. 182 of the 1973 Regular Session (Acts of 1973, p. 202), which levies and provides for the collection of a lodging tax in Cullman County and prescribes the use of the proceeds of such tax, is hereby amended to read as follows:

“Section 12. The state department of revenue shall charge Cullman County for collecting the county taxes levied such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the court of county commissioners, board of revenue, or like governing body of the county, but such charge shall not in any event exceed ten percent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the taxes for the county may be deducted each month from the taxes collected before certifying the amount of proceeds thereof due Cullman County for that month. The state commissioner of revenue shall pay into the state treasury all county taxes collected under this act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this act and paid by him into the state treasury for the benefit of Cullman County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Cullman County during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the governing body of Cullman County, in an amount equal to the amount so certified by the state commissioner of revenue as having been collected for the use of the county. The custodian of the general funds of Cullman County shall upon receipt thereof transmit the tax levied herein to the Cullman County chamber of commerce and such funds shall be used,

in the discretion of the chamber of commerce, exclusively for the purpose of developing and promoting tourism and conventions."

Section 2. This act shall become effective on the first day of the first month beginning after it becomes law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 575

S. 434—Fine

AN ACT

Relating to Franklin County; to provide a certain additional expense allowance for the tax assessor of said county; to provide for the employment of certain additional personnel by said official; to provide for the compensation of such personnel and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. In order to offset certain expenses brought upon the tax assessor of Franklin County by the additional duties and responsibilities imposed upon said official by the provisions of Act No. 1000 of the Regular Session of 1973, which act provided ad valorem tax exemptions for certain disabled and aged persons, and the motor vehicle section of Act No. 160 of the Third Special Session of 1971, which Act provided for statewide property reappraisal, the county commission or other like governing body of Franklin County shall provide said tax assessor with an expense allowance in the amount of four hundred dollars (\$400) per month in addition to any salary or expense allowances now provided by law. Such allowance shall be paid in equal monthly installments out of the county general fund.

Section 2. From time to time, as may be directed by the county tax assessor the Franklin County Commission shall employ additional personnel to effectively administer the additional duties and responsibilities imposed upon said tax assessor by Act No. 160 of the Third Special Session of 1971. Such personnel shall consist of property inventory clerks, map makers, general clerks, appraisers and any other necessary personnel who shall work under the direct supervision of said tax assessor who shall have the authority to hire and fire at his discretion. The salaries and actual expenses of such personnel shall be paid by said county commission from the county general fund in the usual manner. Provided, however, that until such time as the legislature shall appropriate adequate funds to maintain and support such additional personnel the salaries and actual

expenses of such personnel shall be borne, on a pro-rata share basis, by the state, county and municipalities according to the Franklin County Tax Collector's distribution of the additional revenues derived from the reappraisal of property as provided for in Act No. 160, Third Special Session of 1971. In the event that any of the aforesaid governmental subdivisions shall procrastinate or default in the remittance of their pro-rata shares of such salaries and expenses, then, the county tax collector shall withhold from any future distribution of such additional revenues to such delinquent subdivisions such amount as shall be equal to the outstanding balance plus interest at the rate of one percent (1%) per month.

Section 3. Section 1 of this Act shall become effective on the first day of the month next following its enactment and Section 2 shall become effective either at such time as the maps, property index cards and other reappraisal equipment is turned over to the tax assessor of Franklin County upon completion of the real property reappraisal in such county pursuant to the provisions of Act No. 160, Third Special Session of 1971 or at such time as the additional personnel provided for in said Section 2 is needed to install the system for such reappraisal.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 576

S. 433—St. John

AN ACT

Relating to counties having populations of not less than 50,000 nor more than 52,500 inhabitants according to the most recent federal decennial census; to provide further for the compensation or expense allowance of the district court judge in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in counties having populations of not less than 50,000 nor more

than 52,500 according to the most recent federal decennial census.

Section 2. In counties to which this act applies the district judge shall receive a supplemental salary or expense allowance in an amount equal to 90% of any supplemental salary or expense allowance paid by the county to the circuit judge or judges in such counties. Such supplemental salary or expense allowance shall be paid out of the county general fund in equal monthly installments.

Section 3. Any local, special or general laws providing expense accounts, allowances or supplements for the district judge in counties to which this act applies are hereby repealed.

Section 4. The provisions of this act shall become effective January 16, 1977.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 577

S. 537—Baker

AN ACT

To provide for the compensation of certain circuit judges in this state; to provide for a certain county salary supplement in lieu of present expense allowances for such judges.

Be It Enacted by the Legislature of Alabama:

Section 1. In lieu of all county expense allowances and salary supplements now provided by law for judges of the thirty-eighth and ninth judicial circuits, such judges shall receive a salary supplement from the county or counties in which the circuit sits equal to thirty percent of the total compensation of such judges provided by the State. Such salary supplement shall be paid in equal monthly installments out of the county treasury. Where there are two or more counties in said circuit, the salary supplement shall be paid on a pro-rata basis by the counties based upon the ad valorem tax assessments of said counties within the circuit.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Section 3. All previous expense allowances and salary supplements pertaining to the 38th and 9th Judicial Circuits are hereby repealed.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 578

S. 544—Edwards

AN ACT

To amend further Act No. 520, H. 1154, Regular Session 1965, an Act creating a jury commission for Morgan County (Acts 1965, v. 1, p. 762); to amend such Act in relation to the compensation of the appointed members of the commission and the compensation of the clerk of the jury commission; and to give this Act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 520, H. 1154, Regular Session 1965, an Act creating a jury commission for Morgan County (Acts, Regular Session 1965, v. 1, p. 762), as amended, is further amended to read as follows:

“Section 3. The ex officio members of the jury commission of Morgan County shall not be entitled to any remuneration whatever for the performance of their duties as jury commissioners. The appointed members of the commission shall be entitled to compensation at a rate of ten dollars a day for each day’s service, but not exceeding one thousand two hundred dollars, each, per annum. The commission is authorized and empowered to employ a clerk to serve under the direction of the commission and to perform the duties incumbent upon such clerk under the general laws of the State of Alabama as prescribed in Chapter 2 of Title 30, Code of Alabama 1940, and the commission shall fix and prescribe the compensation to be paid to such clerk, which such compensation shall be not less than nine hundred dollars, and not more than eighteen hundred dollars per annum, with such compensation, as fixed by the commission, shall be paid to the clerk in equal monthly payments, out of the county treasury upon the order of the President of the commission.”

Section 2. The operation of this Act shall be retroactive to January 1, 1976, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 579

S. 547—Edwards

AN ACT

To provide for an expense allowance for the solicitors of Morgan County in addition to all other salary, compensation and expense allowances provided for by law; giving this act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The county solicitors of Morgan County shall be entitled to an additional expense allowance in the amount of \$50 per month to be paid out of the county general fund. The expense allowance provided for by this act shall be in addition to any and all other salary, compensation and expense allowances provided for by law.

Section 2. The operation of this act shall be retroactive to April 1, 1975.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 580

S. 568—Edwards

AN ACT

To amend further Section 1 of Act No. 668, S. 787, Regular Session 1969 (Acts 1969, p. 1203), as amended, which act regulates the compensation of members of the county board of registrars in all counties having populations of not less than 75,000 nor more than 90,000 inhabitants according to the 1970 or any subsequent federal decennial census so as to regulate further such compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 668, S. 787, Regular Session 1969 (Acts 1969, p. 1203), as amended, is hereby amended further to read as follows:

"Section 1. In all counties having populations of not less than 75,000 nor more than 90,000, according to the 1970 or any subsequent federal decennial census, each member of the county board of registrars shall receive twenty-five dollars (\$25) per day for each day's attendance upon the session of the board. Of this, twenty dollars (\$20) per day shall be paid by the state as prescribed by Act No. 531, S. 101, Regular Session 1947 (Acts 1947, p. 388), as amended, and the remaining five dollars (\$5) shall be paid from the general fund of the county."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 581

S. 569—Edwards

AN ACT

To amend further Section 1 of Act No. 142, H. 508, Regular Session 1969 (Acts 1969, p. 414), as amended, regulating the compensation of members of the county board of registrars in all counties having populations of not less than 27,000 nor more than 27,900, according to the 1970 or any subsequent federal decennial census so as to regulate further such compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 142, H. 508, Regular Session 1969 (Acts 1969, p. 414), as amended, is hereby amended further to read as follows:

"Section 1. In all counties having populations of not less than 27,000 nor more than 27,900, according to the 1970 or any subsequent federal decennial census, each member of the county board of registrars shall receive twenty-five dollars (\$25) per day for each day's attendance upon the session of the board. Of this, twenty dollars (\$20) per day shall be paid by the state as prescribed by Act No. 531, S. 101, Regular Session 1947 (Acts 1947, p. 388), as amended, and the remaining five dollars (\$5) shall be paid from the general fund of the county."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 582

S. 584—Edwards

AN ACT

To provide for an expense allowance for the district court judges of the District Court of Morgan County pursuant to the creation of the court by Alabama Act No. 1205, S. 400 of the 1975 Regular Session (Acts 1975, p. 2384).

Be It Enacted by the Legislature of Alabama:

Section 1. Each district court judge of the District Court of Morgan County pursuant to the creation of the court of Alabama Act No. 1205, S. 400 of the 1975 Regular Session (Acts 1975, p. 2384) shall be entitled to an expense allowance equal to an amount representing the difference between said judge's salary and \$4,375 less than the salary and expense allowance paid to circuit judges of the Eighth Judicial Circuit if the said district court judge has been engaged in the active practice

of law or in any other position in which legal knowledge was customarily and primarily used more than five (5) but less than (9) years; or \$1,250 less than the salary and expense allowance paid to circuit judges of the Eighth Judicial Circuit if the said district court judge has been engaged in the active practice of law or in any other position in which legal knowledge was customarily and primarily used more than nine (9) years.

Such expense allowance authorized as aforesaid shall be paid in lieu of any other expense allowances presently provided by law for such officials and shall be paid from the general fund of Morgan County in monthly installments.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 583 H. 784—Harris, Wyatt, Holmes (A), Barron,
Lewis, Plaster

AN ACT

To allow the District Attorney for the Fifteen Judicial Circuit to initiate and conduct a pre-trial diversionary program within said circuit for first offenders who are charged or may be charged with certain non-violent property related offenses.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The following words or phrases when used in this Act shall mean:

a. Diversionary Screening. The discretionary power of a District Attorney to suspend, prior to the indictment, all formal prosecutorial proceedings against one who has become involved in the criminal justice system as a defendant or an accused.

b. Prosecutorial Discretion. The power of the District Attorney, prior to indictment, to consider all circumstances of criminal proceedings and to determine whether any legal action is to be taken and if so taken, of what kind and degree and to what conclusion.

c. Accusatory Instrument. Any warrant of arrest, Information, or Grand Jury Indictment.

d. Non-Criminal Disposition. The dismissal of a criminal charge without prejudice to the State to reinstate criminal proceedings on motion of the District Attorney as herein provided.

e. Pre-Prosecution or Pre-trial Diversion. The imposition of conditions of behavior and conduct by the District Attorney upon defendants charged with certain criminal offenses for a specified period of time prior to the formal prosecution or indictment.

f. Deferred Prosecution. The suspension of prosecution prior to indictment for a specified period of time upon the request of the accused with the consent of the District Attorney.

SECTION 2. The District Attorney for the Fifteenth Judicial Circuit is specifically endowed with and shall retain all of his discretionary powers under the common law.

a. The District Attorney shall have the prosecutorial discretion as defined herein or any which he has under the common law, and may as a matter of such prosecutorial discretion establish a pre-trial or a pre-prosecution diversionary or deferred prosecution program in all courts within such circuit.

SECTION 3. The District Attorney may utilize such discretion to screen or divert such cases out of the criminal justice system when he feels that the advantages of such diversion, or of pre-prosecution probation would outweigh the advantages of prosecution. Among the factors which may be considered by the District Attorney are:

- a. Undue hardship caused to the accused or the victim.
- b. Excessive costs of prosecution in relation to the offense.
- c. Possible deterrent value of prosecution.
- d. Aid to other prosecution goals through non-prosecution.
- e. The expressed wish of the victim not to prosecute or to prosecute.
- f. Age of the case and of the defendant.
- g. The seriousness of the crime and the effect upon the public sense of security and justice if the offender were to be treated without criminal conviction.
- h. Whether the offender or the victim has medical, psychiatric, family or vocational difficulties.
- i. Whether there is a reason to believe that the offender or the victim will benefit from and cooperate with a diversionary program.

j. What the impact of criminal charges would be upon the victim, witnesses, the offender and their families.

k. The economic advantages of restitution of loss to the victim.

SECTION 4. Presiding Judge of the Criminal Division of the 15th Judicial Circuit may appoint a Committee or Advisory Commission comprised of at least seven (7) citizens of counties within the said circuit which shall be known as the Citizens Advisory Commission on Prosecution. Such Committee or Commission shall serve at the pleasure of the appointing authority for such circuit, and shall make recommendations to the District Attorney concerning which defendants shall be eligible or shall not be eligible for pre-prosecution or pre-trial diversion based upon criteria established by the District Attorney and the committee, and upon its consideration of factors enumerated in Section 3.

Such Committee or Commission shall serve without personal profit, but may be paid from the District Attorney's fund for actual expenses incurred in connection with its duties.

At least one member shall be appointed by the recommendation of the Presiding Judge of such Circuit, and at least one member shall be appointed upon the recommendation of the Board of Directors of the Bar Association of the counties comprising such circuit.

SECTION 5. Prior to or upon the issuance of any accusatory instrument other than an indictment charging any defendant with an offense other than an offense enumerated in SECTION 7, the District Attorney may, in his discretion, upon the request of the defendant, withhold prosecution or presentment to the Grand Jury thereon. The District Attorney may then establish a pre-prosecution or pre-trial diversionary program for a specified period of time not to exceed the statute of limitations for the offense of which such defendant is charged.

SECTION 6. During that period the District Attorney may impose conditions upon the behavior and conduct of the defendant which assures the safety and well being of the community as well as that of the defendant.

Included among those conditions which may be imposed by the District Attorney, are as follows:

a. Placing the person under the supervision of a designated person or organization or appointed agency agreeing to supervise him.

b. Require absolute non-criminal behavior on the part of the defendant.

c. Require that such defendant conduct himself in an honorable manner as a good member of the community, and not endanger in any way the person, property rights, dignity or morals of himself or others.

d. Require that such defendant comply with all municipal, county, state and federal law, ordinances and orders.

e. Requiring such defendant to promptly reply to any communication from the Office of the District Attorney, probation counselor or any other representative or person designated by the District Attorney or the probation department.

f. Requiring such defendant to submit written reports in accordance with the instructions of the District Attorney's Office or the probation department or such other written or oral reports as required of such defendant by the Office of the District Attorney or probation department.

g. And, further requiring such defendant to be absolutely truthful in such oral or written reports.

h. Requiring such defendant to make every effort to obtain and hold a legitimate job and cooperate with the District Attorney's Office in any effort which such office may make to obtain employment for such defendant.

i. Requiring such defendant to report a loss of employment to the District Attorney's Office or his probation counselor.

k. Requiring such defendant to support such defendant's dependents, if any, and assume toward them all moral and legal obligations.

l. Requiring such defendant to pay restitution to the victim of his offense in an amount and upon such terms determined by the District Attorney.

SECTION 7. Persons charged with the following criminal conduct shall not be eligible for participation in any pre-prosecution diversionary program instituted under the provisions of this Act.

1. Abduction and kidnapping
2. Arson
3. Blackmail
4. Bribery by or of a public official
5. Burglary in the first degree
6. Illegal use of Dynamite or other explosives in violation of Title 14, Sections 123, 124, 125(16), Code of Alabama of 1940.

7. Escape
8. Homicides
9. Mayhem
10. Forcible sex crimes
11. Armed Robbery
12. Sale of Dangerous Drugs
13. Lewd and Lascivious Acts upon a child.
14. Violation of Public Officials Duty and Obligation
15. Introduction of Drugs into a Penal or correctional institution.
16. Capital offense or an offense which would have been a capital offense prior to the 29th day of June, 1972.

SECTION 8. Prior to the issuance of an indictment by a Grand Jury, the responsibility and authority for the decision to screen or divert cases, or to refuse to screen or divert particular cases, shall rest within the sole judgment and discretion of the District Attorney for such Circuit. After the issuance of an indictment, a criminal case shall not be diverted or screened without the express approval and concurrence of the Presiding Judge of such Circuit or a Circuit Court Judge designated by him for such purposes.

SECTION 9. Any defendant voluntarily participating in such a program shall have the right to:

1. Insist on criminal prosecution at any time the prosecution or the offense for which he is charged is pending, and to have a circuit court judge determine whether any pressure or coercion was applied to the defendant to accept non-criminal disposition.

2. The right of counsel of his choosing or if indigent, court appointed counsel during all phases of the diversionary or pre-prosecution probationary proceedings unless the right to counsel is knowingly and voluntarily waived by the accused.

SECTION 10. In conducting such a program, the District Attorney for such circuit shall have the right to:

1. Insist at any point upon the re-initiation of criminal proceedings, when, in his judgment, such action would be desirable.

2. The Services of available probation workers within the County comprising such circuit for investigation reports for the purposes of determining eligibility of persons for participation in the pretrial probation.

SECTION 11. After the completion of the pre-prosecution or pre-trial diversionary period and the conditions imposed upon the defendant to the satisfaction of the District Attorney, defendants participating in such programs shall be entitled to a non-criminal disposition of the charges against him which may be done by the appropriate judge entering on a docket sheet, "Diverted and Dismissed."

Such non-criminal disposition may, in the discretion of the District Attorney be without prejudice to the State of Alabama for the reinstitution of criminal proceedings on the diverted criminal charges upon any subsequent criminal activity on the part of the accused.

SECTION 12. At the request of the defendant, the District Attorney for such circuit may file in the Circuit Courts of such circuit or elsewhere as necessary, petitions seeking the expunging or purging of all records against an accused for the diverted offense, provided, however, the accused has satisfactorily performed the conditions of his pre-prosecution probation, if any.

The Circuit Courts of such Circuit are hereby empowered to issue whatever process necessary to grant such petitions.

SECTION 13. The District Attorney for the Fifteenth Judicial Circuit may, in his discretion, bring in the name of the State of Alabama, civil suits in Law and Equity in the counties comprising such circuit and elsewhere as necessary, against criminal defendants to recover damages, restitution and/or injunctive relief on behalf of victims of crimes, frauds and nuisances occurring within such Circuit.

SECTION 14. The County Commissions or Boards of Revenue for such Circuit may in their discretion expend monies from the General Fund of the County for the payment of any or all of the costs of such program.

SECTION 15. The District Attorney for such Circuit may, in his discretion, use or expend monies from the District Attorney Fund for any or all of the costs of such program.

SECTION 16. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 17. EFFECTIVE DATE. This Act shall become effective immediately upon its passage and approval by the Governor of the State of Alabama, or upon its otherwise becoming law, and shall continue effective as such until the first day of September, 1978, when, at such time, it shall become null and void unless otherwise amended or re-enacted by the Legislature.

Approved August 24, 1976.

Time: 4:30 P.M.

Act No. 584

H. 14—Moore (O)

AN ACT

To amend further Section 168, Title 10, Code of Alabama 1940, relating to single tax or cooperative associations or corporations so as to provide exemptions to such associations or corporations which are organized for the purpose of operating waterworks for unincorporated areas from any state or county license tax on gross receipts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 168, Title 10, Code of Alabama 1940, relating to single tax or cooperative associations or corporations is hereby amended to read as follows:

“Section 168. Ten or more persons desiring to associate themselves together, not for pecuniary profit in the sense of paying interest or dividends on stock, but for mutual benefit through the application of cooperation, single tax, or other economic principles, may become a body corporate in the manner following:

“Filing declarations.—The persons proposing to form such corporation shall file with the probate judge in the county in which it proposes to establish itself, a declaration in writing, setting out the name of said proposed corporation, the names of the charter members, and the purposes of said corporation.

“Charter; how issued.—Upon the filing of such declaration the judge of probate shall issue to such corporation a charter, which shall be perpetual, subject to revocation at any time by the legislature.

“Organization.—It may elect such officers as it may deem necessary, in such manner and for such terms as it may provide, and remove the same at any time, and adopt such Constitution and bylaws as it may see fit not in conflict with the Constitution and laws of this State.

“Powers.—Such corporation shall have the power to buy, sell, and lease and mortgage real estate, to build and operate wharves, boats, and other means of transportation and communication, build, erect, and operate waterworks, electric lighting and power companies, libraries, schools, parks, and do any other lawful thing, incident to its purpose, for the mutual benefit of its members; and may admit such other persons to participate in its benefits as it may see fit and upon such conditions as it may impose.

"Exemption from taxation.—All associations or corporations heretofore or hereafter organized pursuant to the provisions of this article for the purpose of operating waterworks for unincorporated areas shall be exempt from the payment of all state, county, municipal or other ad valorem taxes, and shall be exempt from paying any state or county license tax on any gross receipts of such association or corporation."

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 585

H. 45—Cooper, Hines, Robertson

AN ACT

Relating to the establishment and operation by the Board of Education of schools at the various units of the Board of Corrections.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Department of Education shall make a study, with the assistance of the Board of Corrections, of the requirements of establishing and operating schools at the various units of the Department of Corrections. The State Department of Education shall establish and operate such schools when funds are provided for this purpose.

Section 2. All persons incarcerated in the Board of Corrections who are not high school graduates shall be eligible to attend such school.

Section 3. The total cost of operating the schools authorized by this act shall be borne entirely by the state and shall be paid from the Alabama Special Educational Trust Fund. Such costs shall be considered annually, upon the recommendation of the State Department of Education, by the Joint Interim Committee made up of the Ways and Means Committee of the House and the Finance and Taxation Committee of the Senate. An estimate of costs for the 1977-78 school year and each succeeding year shall be made to the above committee when the budget estimates are presented by the State Department of Education.

Section 4. A formula for the determination of professional units and other operating expenses shall be developed by the State Department of Education, based upon eligible students.

(a) The total number of professional units provided shall be the sum total of units necessary for classroom teachers, vocational teachers, librarians, teachers of exceptional students, supervisors, counselors, principals, and a director. Any funds provided for such units where such units are not employed shall revert to the Alabama Special Educational Trust Fund. The qualifications of such teachers shall be determined by the State Department of Education and shall be similar to the qualifications of teachers in the regular schools.

An eligible student under this act shall be a person who has not graduated from an accredited high school and who is able to benefit from the instructional programs offered. The State Department of Education, in cooperation with the Department of Corrections, shall determine the minimum number of hours a student must be in attendance each week.

(b) The minimum monthly salary rates for classroom teachers and special positions shall be in accordance with the current minimum salary schedule in effect in the regular public schools.

(c) Vocational teacher, counselor, supervisory and special education units shall be provided in addition to classroom teacher units in accordance with the policy of the State Board of Education for the allocation of such units in the regular public schools and in accordance with the ability of the Board of Corrections to provide adequate facilities for such programs and the ability of the students enrolled to benefit from such instruction. The facilities of the technical schools at Atmore and Speigner shall be used to the extent practicable.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 586

H. 55—Hall, Brindley, Baker, Holley,
Smith (M), Trammell, Boles

AN ACT

To provide that any mortician, undertaker, embalmer, or funeral director, who is duly licensed may, after satisfactory ophthalmologic training, be issued a license to enucleate donor eyes; to authorize the state board of embalmers to establish certain standards and regulations to effect the provisions hereof; and to require that any such licensee comply with the applicable provisions of the "Alabama Uniform Anatomical Gift Act."

Be It Enacted by the Legislature of Alabama:

Section 1. The board of embalmers is authorized to issue a donor eye enucleation license to any mortician; undertaker, embalmer, or funeral director, who makes written application to the board of embalmers and complies with its standards, measures, and procedures, provided that such applicant possesses the educational qualifications, standards of proficiency and fitness prescribed by the board.

Section 2. The board of embalmers is authorized to establish and promulgate standards, measures, procedures, and regulations necessary to assure that any licensee hereunder possesses the knowledge and technical skills to perform donor eyes enucleations acceptable as good ophthalmological and pathological procedure for the purposes of prohibiting unnecessary mutilation.

Section 3. Any person who holds a donor eye enucleation license shall comply with the applicable provisions of the "Alabama Uniform Anatomical Gift Act".

Section 4. The board of embalmers is authorized to further prescribe, establish and promulgate any standards and regulations necessary to effect the provisions of this act.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 587

H. 154—Lutz, Gregg, Riddick,
Moore (W), Smith (B)

AN ACT

To amend Section 1 of Act No. 863, H. 1061, 1965 Regular Session (Acts of 1965, p. 1605), entitled "To provide facilities for displaying certain exhibits in cooperation with the Department of The Army and the National Aeronautics and Space Administration; creating the Alabama Space Science Exhibit Commission as an agency of the State of Alabama and providing for its membership, terms, authority and duties; authorizing the issuance of revenue bonds and general obligation bonds, subject to the approval of the Governor, and providing for the retirement of such bonds; authorizing the allocation and expenditure of funds; and providing exemptions from all taxes," so as to enlarge the mission of the Alabama Space and Rocket Center to include the collection and dissemination of energy related activities, including research and development.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 863, H. 1061, 1965 Regular Session (Acts of 1965, p. 1605) entitled "To provide facilities for displaying certain exhibits in cooperation with the Department of The Army and the National Aeronautics and Space Administration; creating the Alabama Space Science Exhibit Commission as an agency of the State of Alabama and providing for its membership, terms, authority and duties; authorizing the issuance of revenue bonds and general obligation bonds, subject to the approval of the Governor, and providing for the retirement of such bonds; authorizing the allocation and expenditure of funds; and providing exemptions from all taxes" is hereby amended to read as follows:

"Section 1. There is hereby created and established a state agency to be known as the Alabama Space Science Exhibit Commission, for the purpose of providing for and participating in the management and control of facilities to house and display such visual exhibits of space exploration and hardware used therefor as may be made available by the National Aeronautics and Space Administration. Such facility shall constitute a permanent housing for the National Aeronautics and Space Administration exhibit, which shall be open to the general public and shall be located at a place to be designated and made available in Madison County for a nominal cost through the cooperation of the Department of the Army, or such other location as the Commission may deem appropriate. The commission is further empowered to provide such facilities as will be mutually agreed upon between the Commission and Department of the Army for the housing and display of Army weaponry and mementos of National Defense.

"The Commission is further empowered to establish an Energy Information and Exhibit Center in order to provide

information to the public on research and development in the field of energy as developed by the National Aeronautics and Space Administration, the Department of the Army, the Energy Research and Development Administration, other federal and state agencies, including universities and colleges, and other public and private sectors engaged in energy related activities."

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 588

H. 220—Sparks, Drake

AN ACT

To further amend Act No. 1122, S. 408, Legislature of 1969, Regular Session, (Acts of Alabama of 1969 and 1970, Vol. III, p. 2077), as last amended, which relates to State aid for the promotion of agriculture and agricultural fairs for prizes and premium awards from funds appropriated to the Agricultural Center Board for such purposes; amend Section 9 and Section 13, as amended, of said Act No. 1122 of the Legislature of 1969 (Regular Session) relating to the amount of administrative expenses authorized to be expended by the Agricultural Center Board for administration of said Act and the maximum annual per diem and travel allowance of the Special Awards Committee for Fairs.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 1122, S. 408, Legislature of 1969, Acts of Alabama of 1969 and 1970, Vol. III, p. 2077, Regular Session, is hereby amended to read as follows:

"Section 9. The Board is authorized to expend such amounts from the annual appropriation as it may approve and determine to be necessary for expenses of the administration of this Act which amount shall not exceed 12 per cent of the annual appropriation as herein made or as may hereafter be appropriated by the Legislature for State aid to regional and county fair associations."

Section 2. Section 13 of said Act No. 1122, S. 408, Legislature of 1969, Regular Session, as amended by Act No. 962, H. 220, Legislature of 1971, Acts of Alabama of 1971, Vol. III, p. 1719 is hereby further amended to read:

"Section 13. The Board shall appoint a committee to consist of not more than five members and it shall be the duty of the committee to establish the standards and criteria by which the eligible fair in the State shall be judged for the awards as provided in Section 11 of this Act and to judge such fairs to select the recipients of such awards. The committee shall be known and designated as the "Special Awards Committee for Fairs" and each member of such committee before being eligible for appointment thereon shall be an officer of a fair association which is a member of the Association of Alabama Fairs which association shall be entitled to make recommendations to the Board concerning individuals who are to be appointed as members of the committee. The members shall serve on the committee for a term of four years and until their successors are appointed by the Board. Vacancies on said committee shall be filled in the same manner as the original appointments are made. The committee shall select one of its members to serve as its chairman. For attending meetings of the committee and for performing other duties of the committee, the members shall receive a per diem allowance of \$25.00 per day plus the travel and subsistence expense allowance at the rate authorized by law for official travel of state employees. Such per diem and travel allowances shall be paid from the administrative fund on account provided in Section 9 hereof upon a verified claim presented to the Board provided such funds are available under authority of said Section 9. No member of the committee shall receive in any fiscal year more than \$1,650.00 as a per diem and travel allowance; provided, however, that the chairman of the committee shall not receive more than \$3,200.00 for per diem and travel expenses during a fiscal year."

Section 3. The provisions of this Act are severable. If any part thereof is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 589

H. 599—Naramore, Crowe

AN ACT

To authorize the Walker County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to

provide that the proceeds collected therefrom be deposited in the county treasury designated for county roads; to prohibit the expenditure of such funds for bonded indebtedness or road equipment of any nature; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions.—When used in this act, unless the context plainly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) “Person” means any individual, firm, partnership, corporation, association or any combination thereof.

(b) “Sever” means cutting, mining, stripping or otherwise taking or removing from the soil within the county.

(c) “Ton” means a short ton of 2,000 lbs.

Section 2. Any laws to the contrary notwithstanding, the county governing body of Walker County is authorized and empowered to levy and collect a county excise and privilege tax on every person severing coal within the county, in an amount equal to fifteen cents (\$0.15) per ton of the coal severed. The tax herein levied shall be in addition to all other taxes heretofore levied and imposed by law.

Section 3. The proceeds collected pursuant to the provisions of this act shall be deposited in the county treasury and shall be designated for the roads of the county. Provided, however, that the county governing body is expressly prohibited from expending any portion of such funds for any bonded indebtedness, present or future, or for equipment of any nature.

Section 4. The books of every person engaged in the severing of coal in the county shall be open to inspection by the duly authorized agents of the county selected or appointed for the purpose of aiding in the collection and enforcement of the tax imposed by this act. The county governing body is authorized and empowered to make such reasonable rules, regulations or promulgations as may be necessary to enforce and collect the tax hereby imposed, including the imposition of a delinquent penalty not to exceed fifteen percent (15%) of the amount of such tax; provided, however, such penalty may be waived by the county governing body if a good and sufficient reason therefor is shown.

Section 5. Any person who shall fail to comply with the provision of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred

dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each such offense.

Section 6. The provisions of this act are supplemental. It shall be construed in *pari materia* with Act No. 2305, H. 875, 1971 Regular Session (Acts, 1971, p. 3719) and other laws regulating excise and privilege taxes on the severance of coal; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 590

H. 747—Hilliard

AN ACT

To provide, in cities having a population of 300,000 or more inhabitants according to the last or any subsequent federal decennial census, for the licensing and regulation of retail establishments serving food and beverages as their principal source of income, to operate and maintain coin operated pool or billiard tables, and to provide for the revocation of any such license.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in cities having a population of 300,000 or more according to the last or any subsequent federal decennial census.

Section 2. Any person, firm or corporation duly licensed by a municipality to operate a business or establishment where food and beverages are sold to the general public for consumption upon its premises as its principal enterprise, shall be permitted to keep and maintain for the amusement and entertainment of its customers and patrons, devices known as coin operated pool tables or billiard tables, when a license therefore shall have first been approved by the chief of police of the municipality; provided that such pool tables or billiard tables are smaller than regulation sized billiard tables which have a playing area of 4'6" x 8'4".

Section 3. Applications for permits shall be made in such form as the chief of police of such municipality shall from

time to time provide and shall be accompanied by a fee of \$25.00. It shall be signed and verified under oath by the applicant if an individual, by a partner if a partnership, and by a duly authorized officer of a corporation, if a corporation, and shall set forth the following:

- (a) If an individual, the name and address of the applicant.
- (b) If a partnership, the name, residence and business address of each partner.
- (c) If a corporation, the name, date of incorporation, the state under whose laws such corporation was organized, the names of the directors and officers of the corporation and the name of the individual or individuals who will be in direct charge and control of the operation and management of the business.

Section 4. Any applicant for a license as herein provided, or any individual who will be in direct charge or control of the operation of the business, shall be of good repute and have no prior conviction for any offense involving the sale of alcoholic beverages or any law or ordinance prohibiting gambling, within thirty-six months prior to any application for a license hereunder.

Section 5. The chief of police, upon consideration of a license application together with any supporting information or documents or other information he may obtain from an investigation of the applicant, shall either approve or deny the application within fifteen days after the filing thereof. If the chief of police of any such municipality shall find from such application or from his investigation that the public safety, health, morals or general welfare will be served by a denial of the application he shall deny same, whereupon the applicant may appeal from said denial to the governing body of such municipality within ten days of said denial, which said appeal shall be in writing and filed with the city clerk of such municipality. Within twenty-one days following the filing of said appeal the governing body of such municipality, at a regular or adjourned meeting, shall hear said appeal and consider all relevant evidence which the applicant may present and shall either grant or deny said license application no later than seven days following said appeal hearing. On appeal the applicant may be represented by counsel, shall have the power of subpoena and be afforded the right of cross-examination.

Section 6. Any establishment licensed as herein provided by a municipality may possess an Alcoholic Beverage Control Board License for the serving or dispensing of liquor and malted or brewed beverages, subject to all applicable rules

and regulations as promulgated by the Alabama Alcoholic Beverage Control Board.

Section 7. No person under the age of sixteen years of age shall be allowed to operate or play upon any such coin operated pool or billiard tables unless accompanied by his or her parent or guardian.

Section 8. No wagering, betting or gambling of any kind shall be permitted by any licensee upon the outcome or result of any game or contest played upon any coin operated pool or billiard table. Any violation of this Section 9 shall be punishable as a misdemeanor, and be grounds for revocation of any license issued hereunder.

Section 9. The license herein required to operate and maintain coin operated pool or billiard tables shall be in addition to any other business or privilege license required by a municipality.

Section 10. The operation of coin operated pool or billiard tables permitted under this Act shall be solely for the entertainment and amusement of the customers of a licensed retail food and beverage establishment serving such food and beverages for consumption only upon its premises. No provision of this Act shall be applicable to any establishment which has as its principal business or undertaking the operation of a pool room, billiard parlor, penny arcade, coin operated amusement center or other similar enterprise.

Section 11. The governing body of a licensing municipality may determine at any time whether or not the principal business of a licensed establishment is no longer that of serving and dispensing food and beverages, or whether the license has violated any of the provisions of this Act, and may revoke any license issued under the authority of this Act when such governing body shall determine, after a public hearing, that the use of coin operated pool or billiard tables has become the principal business of the licensed establishment or that the licensee has violated any provision of this Act. A written notice of such public hearing shall be given to the licensee at least ten days before the date set for said hearing. At said hearing the municipal governing body shall consider all relevant evidence offered by any interested party, and any aggrieved licensee shall have the right to counsel, the right to subpoena witnesses and the right of cross-examination.

Section 12. The provisions of this Act are severable. If any part hereof shall be declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect that part which remains.

Section 13. All laws or parts of laws which conflict with this act are hereby repealed.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 591

H. 753—Kinsey

AN ACT

To make an additional appropriation to the Alabama State Board of Chiropractic Examiners for the fiscal year ending September 30, 1976.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated in addition to all other funds heretofore appropriated to the State Board of Chiropractic Examiners the sum of twenty-five hundred dollars (\$2,500.00) for the fiscal year ending September 30, 1976, for salaries and other expenses.

Section 2. The appropriation set out hereinabove shall be paid from funds in the State Treasury to the credit of the State Board of Chiropractic Examiners Fund.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 592

H. 765—Barron, Plaster, Lewis, Wyatt

AN ACT

Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the last or any succeeding federal decennial census; amending Section 3.18 of Act No. 618, H. 796 of the 1973 Regular Session (Acts 1973, Vol. II, p. 879) as amended, which act pertains to the mayor-council form of government, so as to provide that examination of the books and accounts of the city shall not be made more than two years in succession by the same accountant.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3.18 of Act No. 618, H. 796 of the 1973 Regular Session, as amended (Acts 1973, Vol. II, p. 879) be and the same is hereby amended so as to read as follows:

"Section 3.18. Examination of books and publication of accounts.—The council shall each month print in pamphlet form a detailed statement of all receipts and expenses of the city, and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the daily newspapers of the city and to persons who apply therefor. At the end of each year, the council shall cause a full and complete examination of all the books and accounts of the city to be made by a certified public accountant, or by the State Department of Examiners of Public Accounts, and shall cause the result of such examination to be published in the manner above provided for publication of statements of monthly expenditures. Such examination shall not be made more than two years in succession by the same accountant."

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 593

H. 766—Barron, Plaster, Lewis, Wyatt

AN ACT

Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the last or any succeeding federal decennial census; amending Section 6.07 of Act No. 618, H. 796 of the 1973 Regular Session, (Acts 1973, Vol. II, p. 879), as amended, which act pertains to the mayor-council form of government, so as to include purchase of labor, services, work and lease agreements in the responsibility of the purchasing agent in the department of finance.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6.07 of Act No. 618, H. 796 of the 1973 Regular Session, (Acts 1973, Vol. II, p. 879), as amended, be and the same is hereby amended so as to read as follows:

"Section 6.07. Division of purchases.—There shall be established in the department of finance a division of purchases, the head of which shall be the city purchasing agent. The purchasing agent, pursuant to rules and regulations estab-

lished by resolution or ordinance, shall contract for, purchase, lease, store and distribute all supplies, materials, equipment, labor, services, work or other personal property required by any office, department or agency of the city government. The purchasing agent shall also have power and shall be required to:

“(1) Establish and enforce specification after consultation with the head of the affected department or division with respect to supplies, materials, equipment, labor, services, work and other personal property required by the city government;

“(2) Inspect or supervise the inspection of all deliveries of supplies, materials and equipment, and determine their quality, quantity and conformance with specifications;

“(3) Have charge of such general storerooms and warehouses as the council may provide by resolution or ordinance;

“(4) Transfer to or between offices, departments or agencies, or sell surplus, obsolete, or unused supplies, material and equipment;

“(5) Perform such other duties as may be imposed upon him by resolution or ordinance.”

Section 2. All laws or parts of laws which are in conflict with this act are hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 594

H. 917—Johnson, Robertson

AN ACT

Relating to all counties having a population of not less than 115,000 nor greater than 150,000 according to the 1970 or any subsequent federal decennial census; to provide for the fire protection of citizens of any such county outside of the limits of any municipality having a fire department.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 115,000 nor greater than 150,000 according to the 1970 or any subsequent federal decennial census the county commission shall establish a fire protection fund to guarantee certain minimum charges to municipal fire departments for services

to citizens of the county located outside the limits of any municipality having a fire department. Such fund shall be established out of the county general fund for the purpose of reimbursing municipal fire departments for fire calls as provided for by this Act.

Section 2. The fire department of any municipality shall answer any fire calls within the police jurisdiction of the municipality and may, in its discretion, answer any calls within the county.

Section 3. Any municipal fire department answering a call under the provisions of this Act shall be compensated at a minimum rate to be established by the municipality and approved by the county commission. The municipality shall bill the individual for the amount of the minimum rate for a fire call which shall be due and payable within 30 days. If the individual does not pay the municipality as provided above, the county commission shall reimburse the municipality for the fire call from the fire protection fund. The bill shall then be due and payable to the county unless the individual shall appear before the county commission within 30 days and be granted relief due to inability to pay based on economic hardship. The county commission shall make a finding of fact of economic hardship before granting relief as provided above. In the event an individual fails to appear before the county commission or is not granted relief based on economic hardship, and such individual fails to make payment for a fire call at the minimum rate, the charge shall constitute a lien on the property and the property may be sold for the satisfaction of the lien in the same manner and under the same conditions that lands are sold for the satisfaction of liens for county ad valorem taxes and redemption from such sale may be effected in the same manner as is provided for by law for redemption where land is sold for non-payment of ad valorem taxes.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this act are supplemental and shall not be construed to repeal any laws not in direct conflict herewith.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 595

H. 998—Andrews

AN ACT

To amend Section 2 of Act No. 470 of the Regular Session of the Legislature of Alabama of 1955 entitled "AN ACT TO PROVIDE A SEPARATE RETIREMENT AND RELIEF SYSTEM FOR CERTAIN OF THE PRESENTLY ACTIVE EMPLOYEES OF THE CITY OF BIRMINGHAM WHO ENTERED THE SERVICE OF THE POLICE DEPARTMENT OF SAID CITY PRIOR TO SEPTEMBER 19, 1939, AND TO WHOM IS APPLICABLE THE PENSION AND RELIEF SYSTEM PROVIDED BY ACT NO. 502 OF THE REGULAR SESSION OF THE LEGISLATURE OF 1923, AS REENACTED AND AMENDED; TO INCLUDE IN SAID SEPARATE SYSTEM DEPENDENTS OF SAID PRESENTLY ACTIVE EMPLOYEES; AND TO RENDER SAID ACT NO. 502 INAPPLICABLE TO SAID CERTAIN PRESENTLY ACTIVE EMPLOYEES AND THEIR DEPENDENTS:"

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, as heretofore amended, to be and said Section is hereby further amended to read as follows:

"Section 2. Definitions.—The following words, terms and phrases wherever used in this Act, including this section, shall have the meanings respectively ascribed to them in this section, unless the context plainly indicates otherwise or that a more restricted or extended meaning is intended:

'The City'. The City of Birmingham.

'The 1923 System'. The pension and relief system provided by Act No. 502 of the Regular Session of the Legislature of 1923, whether as originally enacted or as re-enacted or amended.

'The System'. The retirement and relief system established by this Act.

'In the Service'. In the service of the city as a member (other than a reserve force member) of its police department or as a jail warden before, on or after the effective date of this Act.

'Salary'. Money remuneration, less the exclusions herein-after enumerated, of a qualified employee for time in the service. Salary within the meaning of this Act shall not include overtime pay or compensation for extra work in addition to regular pay or salary, nor cash payments in lieu of vacation.

'Payroll period'. A period of time for which a payment of salary is ordinarily made.

'Earnable daily rate'. Monthly rate of salary for time in the service divided by thirty.

'Salary days'. Such number of days of a payroll period as equals the actual amount of salary paid to or for or to and for a member of the system for time in the service in such payroll period, divided by the daily earnable rate of such member for such payroll period.

'Paid membership time'. The aggregate of salary days of a member of the system from the salary for which deduction is made pursuant to the provisions of this Act for the treasury of the city. Three hundred sixty salary days shall constitute a year of paid membership time, but this shall not be construed to mean that less than 365 actual days may be counted as a year of creditable time.

'Prior service time'. Time of a member of the system in the service prior to the effective date of this Act, or as to a member brought under this act by amendment, prior to the effective date of such amendment, except time in the service prior to said effective date for which the member of the system may have received no service pay from the City.

'Creditable time'. The creditable time of a member of the system shall include all his prior service time and all his paid membership time.

'Final Average Salary'. The final average salary of any member of the system for purposes of this act shall be the total amount of his salary for such period of three and one-half ($3\frac{1}{2}$) years of consecutive creditable time as may be most favorable to him, divided by forty-two (42); and provided, however, that a member of the system shall be deemed to earn, or to have earned, salary at the same rate of salary as that which he shall be deemed to earn, or to have earned, salary for the purpose of deduction from salary under Section 3 of this Act. Final Average Salary shall include the average of Longevity Pay received by the member during the last four (4) consecutive years of employment, except that not more than three and one-half ($3\frac{1}{2}$) Longevity Payments may be included in the computation.

'Beneficiary'. One in whose favor monetary benefits hereunder are accruing on account of retirement, widowhood, childhood or disability.

'Severance nominee'. One designated as such under Section 9 of this act.

'The comptroller'. The comptroller of the city, or if hereafter the employee of the city whose duties are those of treasurer or chief financial employee shall be known by some other title, then the employee having said duties.

'The Board'. The board of managers provided for by Section 15 of this act for the administration, management and control of the system.

Section 2. The provisions of this Amendatory Act are severable. If any part of the Act is declared invalid, unconstitutional or improperly included therein, such declaration shall not affect the part or parts which remain.

Section 3. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 596

H. 1136—Callahan

AN ACT

To apply to every county of the State having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census; to authorize the governing body of any such county to provide by ordinance for identifying, taking up, storing, and selling any abandoned, stolen, or legally seized and condemned contraband property located in the county; to provide certain minimum requirements for the contents of any such ordinance; to provide certain specified restrictions upon the scope of any such ordinance; to require publication of such ordinance as a prerequisite to its becoming effective; and to provide for severability of the provisions of this Act and for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to every county of the State of Alabama having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census.

Section 2. As used herein, the following terms have the meanings hereby accorded them: "the county" means any county subject to this Act; "property" means personal property; "contraband property" means any property the possession or transportation of which is prohibited by law or which is subject to seizure by the county sheriff's department or by any county officer under state law; "the ordinance" means an ordinance adopted by the county pursuant to this Act.

Section 3. Subject to the limitations hereinafter stated, the county is hereby authorized to provide by ordinance for the identification, taking up, storage, and sale of abandoned or stolen property found within the county, for which the owner

cannot be located, or of contraband property legally seized and condemned within the county. Such ordinance shall not apply to abandoned, stolen, or contraband property which is in the possession of any municipality within the county or of the officers of such municipality, nor shall said ordinance apply to contraband property covered by state law.

Section 4. The ordinance shall contain at least the following: (a) A statement of what shall constitute abandoned, stolen, or contraband property; (b) A statement of what officer or officers shall be authorized to handle abandoned, stolen, or contraband property in accordance with this Act and such ordinance; (c) Provisions for the storage and sale of property identified pursuant to the ordinance; (d) Provisions for reasonably adequate prior notice to owners of any lost, stolen, or abandoned property covered by this Act and such ordinance advising them of the prospective disposition of such property and of their redemption rights; (e) Provisions stating the conditions on which the owner of the property may redeem the property at any time prior to its sale by paying any reasonable expenses the county incurs in taking the property in charge and in maintaining and storing the property and publishing any notices which the ordinance requires to be published; (f) Provisions earmarking the proceeds realized from the sale of any such property for such health or recreation program or facility for the personnel of the county sheriff's department as such sheriff may specify to the governing body of the county, which provisions may authorize the county first to deduct from such proceeds all expenses incurred in identifying, taking up, storing, and selling the property.

Section 5. The ordinance may provide that if the property identified pursuant to the ordinance is perishable, the same may be sold without notice.

Section 6. No ordinance adopted under this Act shall become effective until it has been published once in a newspaper of general circulation in the county. Upon such publication, the ordinance shall become effective.

Section 7. To the end of vesting the governing body of the county with the power to adopt an ordinance which will effectively provide for the identification, taking up, storage, and sale of abandoned, stolen, or legally seized and condemned contraband property, there is hereby delegated to such governing body the full power the State of Alabama possesses to adopt a law regulating the identification, taking up, storage, and sale of abandoned, stolen, lost, or legally seized and condemned contraband property not inconsistent with this act; provided, however, that nothing in this Act shall be construed to grant

any authority to the county to legislate upon the subject of search warrants.

Section 8. If any clause or provision of this Act shall be, or be declared to be, invalid, any such invalidity shall not affect any other clause or provision hereof that is not in itself invalid.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 597

H. 1223—Rich

AN ACT

Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; relieving the board of registrars in such counties from duty to meet on any official national, state or county holiday.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census.

Section 2. In all such counties, the board of registrars shall meet as now prescribed by law; provided, however, that when such meeting date falls on an official national, or state, or county holiday the members are relieved of the duty to meet.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 598

H. 1229—Wyatt, Barron, Harris

AN ACT

Relating to all counties having populations of not less than 150,000 nor greater than 180,000, according to the 1970 or any subsequent federal decennial census; authorizing the clerk of the family court in said counties to destroy certain files and records in all civil cases after a certain period of time and providing for an official record of said files and records; and to provide for a new indexing system in said court.

Be It Enacted by the Legislature of Alabama:

Section 1. The Clerk of the Family Court of any county having a population of not less than 150,000 nor greater than 180,000, according to the 1970 or any subsequent federal decennial census is authorized to destroy all files, shucks, covers or envelopes, together with all papers filed therein in all civil cases in said court provided that there has been an expiration of eleven years from the date of the last decree or judgment and that such decree or judgment has not been revived within ten years from the date of such judgment. No authority is given to destroy the Consolidated Docket and Fee Book sheets.

Section 2. The Consolidated Docket and Fee Book sheets and the final record books or microfilmed records maintained by the clerk shall be considered to be the official court record of papers destroyed under the provisions of this Act.

Section 3. The Clerk may keep indexes on cards, alphabetically filed, in lieu of the requirement of Title 13, Sections 198 and 219, Code of Alabama, as Recompiled in 1958, such card index to contain reverse index cards when the last names of the parties in any cause are different or when otherwise deemed necessary by the Clerk to insure prompt location of all cases filed.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 599

H.J.R. 174—Kelley

HOUSE JOINT RESOLUTION

HJR to amend HJR 377 (Act 889) of the 1975 Regular Session relating to the Council of Alabama Archaeology and the Alabama Archaeological Advisory Committee.

THEREFORE, be it resolved by the Alabama Legislature, Both Houses concurring, that paragraph number seven (7) of HJR 377 (Act 889) of the 1975 Regular Session be amended to read as follows:

The Council shall meet no more than six (6) times a year and shall be composed of professional practicing archaeologists, each representing four year public institution of higher learning with archaeological academic programs, a representative of the Mound State facility, and Curator Emeritus of Mound State Monument who shall serve as an ex-officio member. Three members shall be selected by the Alabama Historical Commission from the state-at-large and shall serve for four (4) year terms.

THEREFORE, be it also resolved by the Alabama Legislature, Both Houses concurring, that paragraph number eight (8) of HJR 377 (Act 889) of the 1975 Regular Session be amended to read as follows:

The Committee shall meet no more than twice a year and shall be composed of two (2) members who reside in North Alabama, two (2) members from Central Alabama and two (2) members from South Alabama and five (5) members of the State-at-large.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 600

H.J.R. 173—Plaster

HJR to amend HJR 370 (Act 866) of the 1975 Regular Session relating to the State Fort and Historic Trail Council.

HOUSE JOINT RESOLUTION

THEREFORE, be it resolved by the Alabama Legislature, Both Houses concurring, that paragraph number five (5) of HJR 370 (Act 866) of the 1975 Regular Session be amended to read as follows:

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, To

create the State Historic Forts and Trails Council, to work with the Alabama Historical Commission to preserve military and trade forts, battlefields, roads, trails, traces, including their scenic, natural and recreational elements.

THEREFORE, be it also resolved by the Alabama Legislature, Both Houses concurring, that paragraph number six (6) of HJR 370 (Act 866) of the 1975 Regular Session be amended to read as follows:

The Council shall be composed of sixteen (16) members who shall be selected to serve for four (4) year terms. The Governor of the State of Alabama, the Lieutenant Governor of the State, and the Speaker of the Alabama House of Representatives shall each name a member. Organizations who shall nominate members to the Council and notify the Historical Commission are the Alabama Travel Council, the Alabama Conservancy, the Chickasaw National Historical Society, Alabama Campers Association, the Creek Indian Nation of Alabama, the Alabama Environmental Quality Association, and Garden Clubs of Alabama, Inc. Three members shall be selected by the Alabama Historical Commission from the state-at-large. The ranking National Park Service and the chief administrator of the U. S. Forest Service in Alabama or his designee and the Executive Director of the Alabama Historical Commission or his designee shall serve as ex-officio members of the Council.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 601

H. 1087—Owens

AN ACT

Relating to counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal decennial census; fixing the fees for issuance of a pistol permit by the sheriff and providing for the collection, distribution and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In all such counties, the fee for the issuance of a permit to carry a pistol in a vehicle or concealed on or about the person, as provided in the Code of Alabama of 1940,

in Title 14, Section 177, shall be five dollars (\$5.00) which shall be collected by the sheriff. All such sums collected shall be credited to a special fund or account in the county treasury to be known as the "law enforcement fund," which shall be used exclusively by the sheriff for law enforcement purposes.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 602

H. 467—Lutz

AN ACT

To provide for supplementing the salary or compensation paid to Circuit Judges in Judicial Circuits having two Circuit Judges, and composed of one County, having not less than 38,100 population and not more than 40,500 populating according to the 1970 or any subsequent Federal Decennial Census.

Be It Enacted by the Legislature of Alabama:

Section I. Each Circuit Judge in any Circuit in Alabama composed of one County with a population of not less than 38,100 nor more than 40,500, according to the 1970 or any subsequent Federal Decennial Census, and having two Circuit Judges, shall be entitled to receive as additional compensation, payable from the General Fund of such County, a sum equal to thirty percent of the compensation paid said Judge by the State of Alabama. The salary or compensation provided for herein is supplementary to the salary or compensation paid such Judges by the State, but shall be in lieu of all salaries, allowances or compensations now payable to such Judges out of the General Fund of such County. The payments provided herein shall be payable in twelve (12) equal monthly installments on warrants properly drawn against the General Fund of such County.

Section II. All laws, or parts of laws, in conflict herewith are hereby repealed.

Section III. The provisions of this act are severable and should any part thereof be declared invalid, it shall not affect the validity of the remaining portions of said act.

Section IV. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 603

H. 807—Lutz

AN ACT

To amend Section 1 of Act No. 791 (Regular Session, 1973) providing an expense allowance for each circuit judge of the Twenty-third Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Act No. 791 (Regular Session, 1973) is hereby amended to read as follows:

Section 1. Each of the circuit judges of the Twenty-third Judicial Circuit of this state shall receive an annual expense allowance for meals, travel, and lodging expenses incurred by that official while attending meetings and conferences intended to promote the skill and competence of the circuit judges, for educational programs designed to inform circuit judges, for professional dues and assessments, professional journals, books and equipment provided, however, that the expenditures hereby authorized shall not exceed \$1,500 per circuit judge and shall be paid out of the county general fund. Such expenses shall be in addition to any other salary, compensation, or allowance provided for by law to such circuit judges.

Section 2. Section 4 of Act No. 232, H. 253, Second Special Session 1971 (Acts 1971, p. 4501), which relates to expenditures by the Board of County Commissioners of counties having populations of not less than 175,000 nor more than 300,000 according to the most recent federal decennial census, to assist the circuit judges of such counties, is hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 604

H. 541—Hall

AN ACT

Relating to fire districts in any county having a population of 600,000 or more according to the 1970 or any subsequent federal decennial census; providing for payment of debts upon the annexation of an entire fire district or a portion of a fire district by a municipal corporation in any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. When an entire fire district of any county having a population of 600,000 or more according to the 1970 or any subsequent federal decennial census is annexed to a municipal corporation, such municipal corporation shall assume and pay the district debt. If a portion of a fire district is annexed the municipal corporation in adopting the resolution for the annexation of such portion must agree that an amount be paid to the district equal to six (6) times the amount of dues that the portion being annexed paid to the fire district the preceding year, before the annexation can take place. The amount of money paid to the fire district may be paid by the municipality or the property owners involved in the proceedings.

Section 2. If all of a fire district or as many as 90 percent of the property owners within a fire district is annexed into a municipality, all fulltime paid employees of the fire district shall become employees of the municipality annexing the fire district with employment status commensurate with their seniority, capabilities, knowledge and experience and with the same right to transfer into the pension system of such municipality as an employee transferring from another municipality, provided such former fire district employees shall be in good enough physical shape to perform the duties which they will be performing and shall elect to become such an employee within sixty days of the fire district being dissolved. Moreover, whenever as many as 90 percent of any fire district is annexed into a municipality, the municipality may elect to assume the financial obligations and responsibility for fire protection of the remaining portions thereof, and upon assumption of such responsibility shall be entitled to receive all assets of said fire district.

Section 3. If an entire fire district is annexed, equipment owned by the fire district shall not be replaced within the area

annexed with equipment which is inferior or has less potential than that equipment previously owned by the fire district.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 605

H. 1063—Lutz, Starkey

AN ACT

To provide for supplementing the salary or compensation paid to District Judges in Judicial Districts composed of one County, having not less than 38,100 population and not more than 40,500 population according to the 1970 or any subsequent Federal Decennial Census.

Be It Enacted by the Legislature of Alabama:

Section I. Each District Judge in any Judicial District in Alabama composed of one County with a population of not less than 38,100 nor more than 40,500, according to the 1970 or any subsequent Federal Decennial Census, shall be entitled to receive as additional compensation, payable from the General fund of such County, a sum equal to thirty percent of the compensation paid said Judge by the State of Alabama. The salary or compensation provided for herein is supplementary to the salary or compensation paid such Judges by the State, but shall be in lieu of all salaries, allowances or compensations now payable to such Judges out of the General Fund of such County. The payments provided herein shall be payable in twelve (12) equal monthly installments on warrants properly drawn against the General Fund of such County.

Section II. All laws, or parts of laws, in conflict herewith are hereby repealed.

Section III. The provisions of this act are severable and should any part thereof be declared invalid, it shall not affect the validity of the remaining portions of said act.

Section IV. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved August 25, 1976.

Time: 5:30 P.M.

AN ACT

To provide a method to resolve disputes between lessors and lessees in certain types of real estate leases and to provide that arbitration shall be that method.

Be It Enacted by the Legislature of Alabama:

Section 1. Any corporation organized under Section 168 of Title 10 of the Code of Alabama for the purpose of demonstrating the single tax principal shall, as soon as practicable after the enactment of this act, amend its corporate charter to provide that it will recognize an association of its lessees and will deal with representatives of said association on any and all matters relating to leased corporate lands in any manner.

Section 2. Any corporation organized under Section 168 of Title 10 of the Code of Alabama for the purpose of demonstrating the single tax principal shall, as soon as practicable after the enactment of this act, amend its corporate character to provide any lease agreement covering real estate shall provide that the lessee may give written notice to the lessor that he objects to the amount of the rent claimed or requested by the lessor. Upon receipt of said written notice the lessor and the lessee or any association of lessees when the individual lessee so desires shall each designate a person to be an arbitrator and the two thus chosen shall select a third. These arbitrators shall meet, and after a hearing wherein both the lessor and the lessee are allowed to present evidence, they shall fix the amount of the rent by arbitration. This determination shall be binding on both parties.

Section 3. Any corporation organized under Section 168 of Title 10 of the Code of Alabama for the purpose of demonstrating the single tax principal shall, as soon as practicable after the enactment of this act, amend its corporate charter to provide any lease agreement covering real estate shall provide that the lessee may give written notice to the lessor that he objects to the amount of the compensation for sale or transfer of improvements imposed or requested by the lessor. Upon receipt of said written notice the lessor and the lessee or any association of lessees when the individual lessee so desires shall each designate a person to be an arbitrator and the two thus chosen shall select a third. These arbitrators shall meet, and after a hearing wherein both the lessor and the lessee are allowed to present evidence, they shall fix the amount of the compensation by arbitration. This determination shall be binding on both parties. Said arbitration shall be to determine what is the fair market value.

Section 4. The provisions of this act shall apply to all leases now in effect in the State of Alabama where the lessor is a corporation organized under Section 168 of Title 10 of the Code of Alabama.

Section 5. Sections 2 and 3 of this act shall apply to all leases hereinafter executed applying to real estate in the State of Alabama where the lessor is a corporation organized under Section 168 of Title 10 of the Code of Alabama.

Section 6. This act is severable. In the event that any portion is declared unconstitutional or invalid, the remainder shall be in full force and effect.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 607

S.J.R. 110—Gilmore

SENATE JOINT RESOLUTION

A STUDY OF TEACHER UNITS IN ELEMENTARY-SECONDARY SCHOOLS

WHEREAS, the consideration of the learning needs of each individual student is of primary concern, and

WHEREAS, the individual attention available to each individual pupil is directly dependent on the pupil-teacher ratio, and

WHEREAS, the Legislature has appropriated funds for additional teacher units since 1969 with little difference being evident in the classroom across the State, therefore,

BE IT RESOLVED that there shall be an investigation of each school system, school by school, to determine where and how the additional teacher units have been employed. The Alabama Education Study Commission is directed to secure the necessary information and to report to the Legislature through a written report by February 8, 1977, and

BE IT FURTHER RESOLVED that the Commission shall report on school enrollments and average daily attendance, on the number of teacher unit allocated from state funds and those employed with local funds, teacher units in the regular program, special education, driver education and vocational educa-

tion, the number of administrative personnel in each school and in the central office. The report shall begin with the school year 1969-70 and cover each successive year, and shall examine the advantages and costs of changing the Minimum Program Formula from average daily attendance to average daily enrollment, and

BE IT FURTHER RESOLVED that the State Board of Education direct the State Superintendent of Education to see that local boards of education adhere to the legislative intent of reducing the pupil-teacher ratio, particularly in elementary schools.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 608

H. 127—Sasser

AN ACT

To provide that full-time employees and executive officers of the Alabama Association of School Boards may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of the Alabama Association of School Boards may, by resolution legally adopted to conform to the rules prescribed by the Board of Control of the Teachers' Retirement System, elect to have its executive officers and employees, from whatever source and in whatever manner paid, become eligible to participate in the Teachers' Retirement System of Alabama, subject to all rules, regulations and conditions thereof.

Section 2. The governing body of the Alabama Association of School Boards having made an election through a resolution as provided in Section 1 hereof, its employees and executive officers may participate in and be entitled to all benefits of the Teachers' Retirement System of Alabama, provided that where member contributions are made from salaries paid by the Alabama Association of School Boards, the Alabama Association of School Boards shall pay the employer costs, calculated as a percentage of the salaries of those employees, to be contributed as employer in accordance with Subsection (3) and (5) of Section 369 of Title 52, Code of Alabama 1940 (Recompiled 1958), as amended. Such amounts shall be paid monthly and at the same time as the members contributions are made to the Teachers' Retirement System.

Section 3. The governing body of the Alabama Association of School Boards may provide in its resolution to the Teachers' Retirement System's Board of Control that all service rendered, by an eligible employee or executive officer, to said Association, previous to the effective date of said Association's election to come under the Teachers' Retirement System, shall be creditable service to such employee or executive officer; provided that any such provision shall apply only to those employees and officers who were in the active service of the Association on the effective date of said Association's election to be covered under the Teachers' Retirement System; and provided further that the said resolution also states that the Alabama Association of School Boards shall assume and pay, as required, all costs necessary to fund the crediting of such previous service, such costs to be determined by the Actuary employed by the Teachers' Retirement System's Board of Control.

Section 4. This Act shall become effective October 1, 1976.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 609

H. 256—Armstrong

AN ACT

Authorizing fiduciaries holding securities as executor, administrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to deposit, or arrange for the deposit of, such securities in a clearing corporation and, when such securities are so deposited, certificates and other instruments representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other such securities deposited in such clearing corporation by any person regardless of the ownership of such securities, and certificates or other instruments of smaller denomination may be merged into one or more certificates or other instruments of larger denomination; providing that ownership of, and interest in, such securities may be transferred by entries on the books of the clearing corporation without physical delivery of certificates or other instruments representing such securities; and prescribing the conditions upon which securities may be so deposited.

Be It Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS. As used in this Act, unless the context or subject matter otherwise requires:

1. "Fiduciary" includes an administrator, an administrator with the will annexed, an administrator de bonis non, an executor, a trustee, a guardian, a conservator, an agent, a custodian, or a custodian or agent for another fiduciary or fiduciaries.

2. "Fiduciary account" includes an estate, a trust, a guardianship, a custodianship, an agency, or any other fiduciary relationship, including a custodianship or agency for another fiduciary or fiduciaries.

3. "Bank" means a bank or trust company organized and existing under the laws of Alabama with authority to act as a fiduciary and a national banking association with its principal office in the State of Alabama and with authority to act as a fiduciary.

4. "Security" includes any note; stock, treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in an oil, or mining title or lease or in payments out of production under such a title or lease; collateral trust certificate; transferable share; trustees' share; investment trust debenture, unit, share or bond; voting trust certificate; or in general, any interest or instrument commonly known as a security; or with respect to any of the foregoing any certificate (including a temporary or interim certificate) of interest or participation, any receipt or certificate of deposit, or any warrant or right to subscribe or purchase.

5. "Certificate" includes any instrument, document or other writing representing a security.

6. A "clearing corporation" is a corporation

(a) at least ninety per cent of the capital stock of which is held by or for one or more persons (other than individuals), each of whom

(i) is subject to supervision or regulation pursuant to the provisions of federal or state banking laws or state insurance laws, or

(ii) is a broker or dealer or investment company registered under the Securities Exchange Act of 1934 or the Investment Company Act of 1940, or

(iii) is a national securities exchange or association registered under a statute of the United States such as the Securities Exchange Act of 1934, and none of whom, other than a national securities exchange or association, holds in excess of twenty per cent of the capital stock of such corporation; and

(b) any remaining capital stock of which is held by individuals who have purchased such capital stock at or prior to the time of

their taking office as directors of such corporation and who have purchased only so much of such capital

stock as may be necessary to permit them to qualify as such directors.

7. "Deposit" includes physical delivery and also includes crediting by entry on the books of a clearing corporation without physical delivery.

Section 2. AUTHORITY WITH RESPECT TO CERTAIN SECURITIES. Notwithstanding any other provision of law to the contrary, any fiduciary holding securities in a fiduciary capacity is authorized, in the absence of specific provision to the contrary in the governing instrument or court order under which the fiduciary is acting, to deposit, or arrange for the deposit of, such securities in a clearing corporation. When such securities are so deposited, certificates representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other such securities deposited in such clearing corporation by any person regardless of the ownership of securities, and certificates of smaller denomination may be merged into one or more certificates of larger denomination. Ownership of, and other interests in, such securities may be transferred by entries on the books of said clearing corporation without physical delivery of certificates representing such securities. The records of the fiduciary shall at all times show the fiduciary accounts for which such securities are deposited and the ownership of such securities in each fiduciary account. Securities held in the name of a bank's nominee may be deposited under the authority herein contained. A bank, when acting under the authority herein contained, shall be subject to such rules and regulations as, in the case of banks or trust companies organized and existing under the laws of Alabama, the Superintendent of Banks and, in the case of national banking associations, the Comptroller of the Currency may from time to time issue. A fiduciary shall, upon demand by any person to whom it has a duty to account with respect to a fiduciary account, certify in writing the securities deposited by it with the clearing corporation for that fiduciary account.

Section 3. APPLICABILITY. This Act shall apply to all fiduciary accounts now in existence or hereafter established regardless of the date of the governing instrument or court order under which the fiduciary is acting.

Section 4. SEVERABILITY. In the event any section, sentence, clause, phrase, part or provision of this Act shall be declared invalid by any Court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, phrases, parts or provisions of this Act, which shall continue effective.

Section 5. REPEAL OF INCONSISTENT LAWS. All laws or parts of laws in conflict with the provisions of this Act are, to the extent of such conflict, hereby repealed.

Section 6. EFFECTIVE DATE. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 610

H. 257—Armstrong

AN ACT

Authorizing banks and trust companies holding securities as executor, administrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to hold same in a manner such that, without certification of ownership attached, certificates and other instruments representing securities of the same class of the same issuer constituting assets of different accounts are held in bulk, including the merging of certificates or other instruments of smaller denominations into one or more certificates or other instruments of larger denominations; requiring and authorizing the consent of its co-fiduciary where the bank or trust company holds such securities as a co-fiduciary; authorizing securities so held to be registered in the name of a nominee; and prescribing the conditions upon which securities may be so held.

Be It Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS. As used in this Act, unless the context or subject matter otherwise requires:

1. "Fiduciary" includes an administrator, an administrator with the will annexed, an administrator de bonis non, an executor, a trustee, a guardian, a conservator, an agent or a custodian.

2. "Fiduciary account" includes an estate, a trust, a guardianship, a custodianship, an agency, or any other fiduciary relationship, including a custodianship or agency for another fiduciary or fiduciaries.

3. "Bank" means a bank or trust company organized and existing under the laws of Alabama with authority to act as a fiduciary and a national banking association with its principal office in the State of Alabama and with authority to act as a fiduciary.

4. "Security" includes any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in an oil, gas or mining title or lease

or in payments out of production under such a title or lease; collateral trust certificate; transferable share; trustees' share; investment trust debenture, unit, share or bond; voting trust certificate; or, in general, any interest or instrument commonly known as a security; or with respect to any of the foregoing any certificate (including a temporary or interim certificate) of interest or participation, any receipt or certificate of deposit, or any warrant or right to subscribe or purchase.

5. "Certificate" includes any instrument, document or other writing representing a security.

Section 2. AUTHORITY WITH RESPECT TO CERTAIN SECURITIES. Notwithstanding any other provision of law to the contrary, any bank holding securities as a fiduciary, as a co-fiduciary, or as a custodian or agent for another fiduciary or fiduciaries is authorized, in the absence of specific provision to the contrary in the governing instrument or court order under which the bank is acting, to hold such securities in a manner such that, without certification as to ownership attached, certificates representing securities of the same class of the same issuer and from time to time constituting assets of different fiduciary accounts are held in bulk, including, to the extent feasible, the merging of certificates of smaller denominations into one or more certificates of larger denominations. In the event the bank holds securities as a co-fiduciary, the bank before acting under the authority herein contained must have the written consent of its co-fiduciary, who is hereby authorized to give such consent. Securities held in the manner herein authorized may be registered in the name of the bank's nominee. When acting under the authority herein contained, the records of the bank shall at all times show the fiduciary accounts for which such securities are held and the ownership of such securities in each fiduciary account. A bank, when acting under the authority herein contained, shall be subject to such rules and regulations as, in the case of banks or trust companies organized and existing under the laws of Alabama, the Superintendent of Banks and, in the case of national banking associations, the Comptroller of the Currency may from time to time issue. A bank so acting shall, upon demand by any person to whom it has a duty to account with respect to a fiduciary account, certify in writing the securities held by it for that fiduciary account.

Section 3. APPLICABILITY. This Act shall apply to all fiduciary accounts now in existence or hereafter established regardless of the date of the governing instrument or court order under which the bank is acting.

Section 4. SEVERABILITY. In the event any section, sentence, clause, phrase, part or provision of this Act shall be

declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, phrases, parts or provisions of this Act, which shall continue effective.

Section 5. REPEAL OF INCONSISTENT LAWS. All laws or parts of laws in conflict with the provisions of this Act are, to the extent of such conflict, hereby repealed.

Section 6. EFFECTIVE DATE. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 611

H. 1190—Coburn, Goodwin

AN ACT

Relating to all counties having a population of not less than 45,500 nor more than 52,000 according to the 1970 or any subsequent federal decennial census; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in any such county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply in all counties having populations of not less than 45,500 nor more than 52,000 according to the 1970 or any subsequent federal decennial census.

Section 2. Any motor vehicle, or any gun, rifle, ammunition or other hunting equipment which has been or is used for illegal nighttime deer hunting in any county in which this act applies shall be contraband, and, in the discretion of the circuit court of such county, may be forfeited to the State of Alabama, as hereinafter provided.

Section 3. The sheriff or any other person authorized to enforce the game and fish laws of this state who apprehends any person hunting deer in any county in which this act applies in the nighttime, or who finds any vehicle which is being or has been used in such illegal nighttime hunting shall seize such vehicle and any gun, rifle, ammunition or other deer hunting equipment found in the possession of or on the person of such person or in or on such vehicle and shall report such seizure and the facts connected therewith to the solicitor or other prosecuting official in the county. The report shall contain a full

description of the vehicle or other equipment seized and detained, the name of the person in whose possession it was found, the name of the person making claim to the same, or any interest therein, if the name is known or can be ascertained, the date of seizure, and a statement of the circumstances surrounding the seizing of the property.

Section 4. The solicitor or other prosecuting officer of the county upon receiving such report shall at once institute, or cause to be instituted, condemnation proceedings in the circuit court of any county in which this act applies in equity, in the same manner that he is directed by law to institute proceedings for the condemnation and forfeiture of automobiles and other vehicles used in the illegal transportation of alcoholic beverages. Except as herein otherwise provided, the procedures for the condemnation, forfeiture and sale of motor vehicles and hunting equipment under this Act shall be governed in all things by and shall conform to the law relative to proceedings for the condemnation, forfeiture, and sale of vehicles used in the illegal transportation of alcoholic beverages. Without limiting the generality of the foregoing sentence the provisions of Code of Alabama 1940, Title 29, Sections 248 and 249, shall apply to and govern all such proceedings.

Section 5. In order to condemn and confiscate any of the property set out in Section 1 it shall not be necessary for the solicitor or other prosecuting authority to prove possession of deer killed in the county while hunting in the nighttime or that the hunter be apprehended in the actual act of killing deer; but it shall be sufficient to prove possession upon the person or in the motor vehicle of a gun, rifle, ammunition and other equipment at such time and place and under such circumstances as would support a conviction for illegally hunting deer in the nighttime.

Section 6. The proceeds of the sale of any property condemned and forfeited to the state under authority of this Act, after payment of all expenses in the cause, including the cost of seizure and a keeping of the property pending the proceedings shall be paid into the state treasury to the credit of the state conservation fund.

Section 7. The provisions of this Act shall not be construed to conflict with the provisions of any act authorizing nighttime hunting of raccoons and opossums under certain conditions in any county in which this act applies.

Section 8. All laws or parts of laws which conflict with this Act are repealed.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 612

H. 1249—Kelley

AN ACT

Relating to Marshall County, Alabama: levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Marshall County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; providing that this Act be severable; and providing for the effective date hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in Marshall County, Alabama.

Section 2. There is hereby levied and imposed a privilege license tax on each bottled or canned unit of malt or brewed beverages of 6¢ for the first 12 ounces or fractional part thereof, and 1/2¢ per ounce over 12 ounces (including draft beer) sold, used, consumed, stored, or withdrawn from storage in Marshall County, to be paid by every person, firm, corporation, co-partnership, club, association, agency, distributor, storer or user of such malt or brewed beverages; provided, that where the amount of the tax levied under the provisions of this Act shall have been paid by any seller, distributor, dealer, storer or user, and evidenced by the appropriate stamps as provided for below, such payment shall be sufficient, the intent being that the tax levied by this Act shall be paid but once.

Section 3. The proceeds of the tax levied by this act (less costs of collection as provided for below) shall be distributed according to the locations to which malt or brewed beverages are delivered for retail sale, as determined by the sworn monthly statements hereinafter required to be filed by each distributor or seller, as follows:

a) For malt or brewed beverages delivered for retail sale outside the city or town limits of a municipality, the proceeds from the tax levied by this Act shall be distributed as follows:

70.00% to the city and county boards of education in Marshall County to be divided pro rata among them in accordance with the most recent average daily attendance figures;

20.00% to the Marshall County general fund;

10.00% to the Marshall County general fund for use in the renovation or construction of a new county jail or county offices for debt retirement of borrowed funds used for such construction for a period not exceeding 17 years.

b) For malt or brewed beverages delivered for retail sale within the city or town limits of a municipality, the proceeds from the tax levied by this Act shall be distributed as follows:

2/6 (33.33%) to the general fund of the municipality;

4/6 (66.67%) to Marshall County to be distributed as set out in subsection a.

Section 4. The privilege license tax authorized herein shall be collected in the manner set forth below by or under the supervision and control of the county commission, board of revenue, or like governing body of such county (hereinafter referred to as "the commission"), which shall be primarily responsible for the administration of this Act. The commission shall provide rules and regulations and administrative machinery for the enforcement and collection of the tax levied, and shall provide decal type tax stamps to be placed upon the lids or crowns of all containers in which malt or brewed beverages are sold, including kegs or barrels of draft beer as evidence of payment of the tax, and provide proper forms requiring sufficient information and proof, to be verified by the oath of any seller, distributor, dealer, storer or other user claiming exemption from payment of the tax on account of purchases made from others who have paid the tax imposed by this act.

Section 5. a) Each and every distributor or seller of malt or brewed beverages shall, on or before the 15th day of the first full calendar month after the effective date of this Act, and on or before the 15th day of each calendar month thereafter, file with the commission a written statement, sworn to and subscribed by each distributor or seller, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next proceeding, together with the name and address of the producer, distributor, seller or other person from whom purchased, received or procured, the brand or brands of such malt or brewed beverages, the quantity of each brand, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which such beverages were purchased, received or procured, and a detailed, itemized statement showing the name and address of each distributor or seller or other person to whom any malt or brewed beverages were sold,

distributed or delivered by such distributor or seller, together with the quantity of each brand of malt or brewed beverages sold, distributed or delivered to each, the size and kind of containers for each brand of such malt or brewed beverages and the date or dates on which sold, distributed or delivered.

b) Any distributor or seller failing, refusing or omitting to file the statement prescribed in this section shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) and/or imprisonment in the county jail for a period not to exceed six (6) months; and each day such default continues shall constitute a separate offense.

c) In order to enable the commission to make distribution of the next proceeds of the tax as prescribed and authorized by this Act, each distributor or seller must include in the statement separate figures stating the total sales by size of container made within each such municipality within the county and the total sales made in the county but outside the corporate limits of any municipality. Should there be a continued failure to furnish the statement contemplated by this provision for basis of distribution, the commission is authorized and required to procure, from the records of the delinquent such information as may be procurable therefrom to enable it to make proper distribution of the proceeds of the tax. The authority given to the commission by this subsection is cumulative and may be exercised in addition to prosecution under the provisions of the preceding subsection. The forms required to be filed with the commission by this section shall be retained by the commission and shall be subject to examination by representatives or agents of all municipalities and school boards within the county during normal business hours at the Marshall County Courthouse.

Section 6. It shall be unlawful for any distributor or seller to make any sale, distribution or delivery of malt or brewed beverages within the county without first having obtained a permit to do so from the commission and also obtaining a business license from each municipality in which sale, distribution or delivery is to be made; provided, however, that nothing contained in this section, or in any other part of this act, shall authorize any sale, distribution or delivery of malt or brewed beverages within the county, if such sale, distribution or delivery is prohibited by any other law of this State. Violation of this section shall upon conviction be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and/or imprisonment in the county jail for a period not to exceed six (6) months.

Section 7. a) It shall be the duty of any person, subject to the privilege license tax imposed by this act to keep

full and complete records of all purchases, sales, receipts, inventories and all other matters from which the correct amount of taxes to which such person is subject may be ascertained; in the event that such person should discontinue his business, he shall not destroy or dispose of such records until he shall have given to the commission thirty days' notice in writing of his intent to destroy or dispose of such records. The commission is authorized to inspect such records and to make copies of such parts of same as it may deem desirable or proper. The failure to keep such records, or destruction without giving the prescribed notice, shall be punishable as provided for in subsection F.

b) Upon demand by the commission it shall be the duty of any person subject to the privilege license tax imposed by this act to furnish, without delay, all such information as may be required for determination of the correct amount of said taxes to which such person is subject and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination during reasonable business hours and at such person's place of business, all books of account, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories and any other information from which the correct amount of said taxes to which such person is subject, may be determined, including herein the exhibition of bank deposit books and bank statements. Any person failing or refusing to submit such records for such inspection or examination upon lawful demand therefor shall be punishable as provided for in subsection F).

c) Should any person subject to the provisions of this act not keep and have in his possession or control correct and detailed books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for the determination of the correct amount of the privilege license tax due, and the required information as to sales in the several tax-recipient areas; or, if, having the same in possession or under control such person shall fail or refuse to submit and exhibit same for inspection and examination as herein required, then and in that event it shall be the duty of the commission to ascertain from such information and data as may be reasonably available the correct amount of taxes due from such person and to assess the same against such person and give to such person notice of such assessment and demand of him immediate payment of the amount thereof. If such amount be not paid within ten days after receipt of notice and demand for payment, then such failure to pay shall be punishable as provided for in subsection F), and each day of delay in payment shall constitute a separate offense.

d) The taxes shall be paid by each distributor or seller when he buys his decals or other devices from the commission.

e) All rights to inspect documents, records, books of account and other pertinent information which are granted to the commission in this section shall also be granted to the municipalities of Marshall County with respect to businesses and other locations within the corporate limits and/or police jurisdictions of the municipalities.

f) All persons found guilty of violating this section shall, upon conviction, be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and/or imprisonment in the county jail for a period not to exceed six (6) months.

Section 8. a) It shall be the duty of the commission to prepare such forms as may be necessary for use by sellers and distributors of malt or brewed beverages in complying with the provisions of this act, and to furnish the same to such distributors or sellers as they may be required.

b) It shall be the duty of the commission to enforce the provisions of this act, and to that end it is authorized to enter lawfully any premises of any retailer of malt or brewed beverages at any time during the hours in which such retailer is engaged in the business of selling or serving malt or brewed beverages, and to inspect the containers of malt or brewed beverages in the retailer's possession, for the purpose of determining whether or not there be any containers not having affixed the decal or other device contemplated by this act. It shall be lawful also for any police officer or deputy sheriff, to enter lawfully any such retail establishment for the said purpose of inspection and determination of whether or not there be on hand any untaxed malt or brewed beverages. Provided, however, that the authority of police officers shall be limited to the corporate limits and police jurisdictions of the municipality by which they are employed.

Section 9. a) Collection of the tax shall be accomplished in this fashion:

The commission shall procure decals or other devices susceptible of being affixed, with measurable permanence, to containers of malt or brewed beverages to be taken from storage, distributed or sold, each of which decals or other devices shall bear in legible characters a notation that it evidences the payment of the taxes levied by this act or levied by the municipalities as authorized by this act, and it may procure such forms and other printed matter and materials as may be necessary in the administration of this act. The commission shall deduct

from the gross amount of taxes collected, at each tax-distribution period, the actual amount which it has expended for stamps, decals, reporting forms, notices and other materials necessary for efficient administration, collection, distribution, and enforcement of the tax imposed by this Act. After deduction of the expenses incurred for said stamps, decals, notices, forms and material necessary, the amounts payable to the recipients shall be computed and distributed according to the provisions of Section 3 of this Act.

b) The amount distributed by the commission to the several recipients of the proceeds of the tax as provided in this act shall be, as to each recipient of the tax, that recipient's proportionate part of the net proceeds of the tax, such net proceeds to be the total amount of taxes collected less the cost of collection and expenses of administration of this act.

Section 10. a) Decals, stamps or other devices shall be furnished by the commission to each seller or distributor of malt or brewed beverages, upon request therefor and payment of the amount of taxes corresponding to the stated value of the decals, stamps, or other devices that he procures from the commission, less an eight per cent (8%) discount to help offset the expense of affixing stamps or decals to the beverage containers as required by this Act; provided, however, that such decals or other devices shall be sold and furnished to wholesalers only. Each distributor or seller must affix to each container of malt or brewed beverages the appropriate decals or other devices before the same is taken from storage, sold or delivered and within such time limits as may from time to time be fixed by resolution of the Commission.

Section 10. b) It shall be unlawful for any person (other than licensed wholesale dealers and distributors of malt or brewed beverages during the time limit fixed by the commission as aforesaid) to have in their custody, control or possession in Marshall County any malt or brewed beverage upon which the tax imposed by this Act has not been paid. For purposes of this section, the absence of a required stamp or decal from a container holding malt or brewed beverages shall give rise to a presumption that no tax has been paid upon said malt or brewed beverages. It shall not be deemed a violation of this section for a person to have in his possession nominal amounts (not exceeding 144 fluid ounces) of malt or brewed beverages which such amounts are intended solely for personal consumption.

Section 10. c) Person violating the provisions of this section, shall, upon conviction, be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and/or imprisonment in the county jail for a period not to exceed six (6) months.

Section 11. Any person, firm, or corporation who fails to pay the taxes herein levied within the time prescribed in the rules and regulations set out by the commission shall pay, in addition to the taxes a penalty of ten percent of the amount of tax, together with interest thereon at the rate of one-half of one percent per month or fraction thereof, from the date at which the tax herein levied becomes payable, such penalty and interest to be assessed and collected as a part of the tax. In addition to any fine imposed for the violation of this law.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. This Act shall become effective following its passage and approval by the Governor, or its otherwise becoming a law, and only in the event that a majority of those voters participating in a duly authorized election for such purpose approve the legal sale of malt or brewed beverages in Marshall County.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 613

H. 1250—Kelley, Mitchem

AN ACT

Relating to Marshall County; providing for clerkhire allowances for certain county offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Marshall County shall provide each fiscal year from any funds available to Marshall County not less than the following enumerated allowances for the purpose of hiring clerks and assistants:

| | |
|--|--------------|
| Officer of the Marshall County Commission: | \$ 37,800.00 |
| Office of the Probate Judge: | 44,100.00 |
| Office of the Tax Assessor: | 25,140.00 |
| Office of the Tax Collector | 17,800.00 |
| Office of the Circuit Clerk: | 36,600.00 |
| Office of the Register of Circuit Court: | 14,400.00 |
| Office of the Sheriff and Jail: | 218,984.00 |

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 614

H. 1251—Kelley, Mitchem

AN ACT

Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; setting the salary of the probate judge, sheriff, tax assessor and tax collector.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census.

Section 2. The following county officers of any such county shall receive the following annual salaries:

| | |
|---------------|----------|
| Probate Judge | \$20,000 |
| Sheriff | 18,600 |
| Tax Assessor | 15,000 |
| Tax Collector | 15,000 |

The salaries hereinabove provided shall be payable in equal monthly installments from the general fund of the county and shall be paid in lieu of any salaries, expense allowances, or other compensation heretofore prescribed by law for such officers. In addition to such salaries such officers may be reimbursed for out of pocket expenses by submitting an expense account to the county commission.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective as to the sheriff, the tax assessor and the tax collector upon the expiration of the respective terms of office of the incumbents in the above

listed offices and it shall become effective as to the judge of probate upon the same date that it becomes effective as to the sheriff.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 615

H. 1256—Manley, Clark

AN ACT

To provide for the salary for the chief clerk of the probate court of all counties having populations of not less than 15,650 nor more than 16,200 inhabitants according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 15,650 nor more than 16,200 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The county commission is authorized to pay out of the general fund of such county a sum not less than \$400 per month nor more than \$750 per month as payment of the salary of the chief clerk of the probate court in any such county. The amount to be paid shall be determined by the probate judge by taking into consideration the salaries of other county employees engaged in substantially similar employment.

Section 3. This act shall become effective October 1, 1976.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 616

S. 700—McDonald (S)

AN ACT

Relating to Marshall County; abolishing the Commission on Government and Finance of Marshall County and creating in lieu thereof the Marshall County Commission; providing for the election of the members of the commission, prescribing their qualifications, terms, and compensation; providing for the organization, powers, duties, jurisdiction and function of the commission and the authority and duty of its members.

Be It Enacted by the Legislature of Alabama:

Section 1. County Governing Body. The Commission on Government and Finance of Marshall County created by Act No. 294, H. 802, Regular Session 1963 (Acts 1963, p. 755) and as amended by Act No. 415, H. 934, Regular Session 1965 (Acts 1965, p. 604), is abolished and there is created and established in lieu thereof the Marshall County Commission. The Marshall County Commission, hereinafter referred to as the Commission, shall be the governing body of Marshall County, Alabama, and shall have and exercise all of the powers, duties, limitations, and responsibilities, and in the same manner, its members subject to all the General Laws of Alabama, now in effect, or hereafter enacted governing boards of revenue, courts of county commissioners or other similar governing bodies, so far as they are consistent with the provisions of this act.

Section 2. Composition. The commission shall consist of a Chairman and four (4) associate commissioners who shall each and severally be chosen and possess the qualifications as hereinafter set out.

Section 3. Commission Chairman. The Chairman of the Commission on Government and Finance of Marshall County shall serve as Chairman of the Marshall County Commission and shall hold office until the first Monday after the second Tuesday in January 1979 and until his successor is elected and qualified, and shall receive for his services, payable out of the County Treasury, the sum of \$6,600.00 dollars per year and an additional \$3,000.00 dollars per year for expenses. The commission chairman shall have and exercise all of the powers, duties, limitations, and responsibilities, with relation to the commission as does the Probate Judge with relation to the Courts of County Commissioners, under the General Laws of this State, except in so far as such powers, duties, limitations, and responsibilities may be inconsistent with the provisions of this Act. The chairman of the commission shall have a vote on all questions coming before the commission, shall be its presiding officer, shall sign the minutes of the proceedings of the commission, and shall have the same power and authority as the other members in passing on all questions before the commission. He shall sign and draw all warrants drawn on the county depositories, and all orders for the payment and disbursement of the funds of the county, and shall sign all contracts along with at least two other members entered into by the Commission for and on behalf of the county. The chairman shall prepare business and obtain information for the sessions of the commission, see that all orders thereof are properly issued, supervise the operation of the office, keeping of books and records, the keeping and recording of accurate minutes of each meeting of the commission, and shall have authority to employ such clerical help and assistants as may be necessary for the

proper, efficient and economical operation of the office of the commission.

Section 4. Associate Commissioners. The associate members of the Commission on Government and Finance of Marshall County shall serve as Associate Commissioners of the Marshall County Commission and shall hold office until the first Monday after the second Tuesday in January, 1979, and until their successors are elected and qualified. The Associate Commissioner shall each receive as compensation for their services the sum of \$6,000.00 dollars per year and an additional \$2,400.00 dollars per year for expenses, payable out of the Treasury of Marshall County. The associate members of the Commission shall have and exercise all the powers, duties, limitations, and responsibilities under the General Laws of this State as do boards of revenue, courts of county commissioners or other similar governing bodies so far as these powers, duties, limitations, and responsibilities are consistent with this Act. The associate members of the commission shall maintain an office at the courthouse in Marshall County.

Section 5. Districts Defined. For the purposes of this Act, and for future election of Associate Commissioners, Marshall County is hereby divided into four (4) subdivisions, to be known as Districts, and to be numbered one to four, inclusive: District 1 shall embrace and be composed of voting precincts 1, 12, 14, 15, 21, 25, 26, 27, 29; District 2 shall be composed of voting precincts 7, 8, 9, 10, 11, 19, 23 30; District 3 shall be composed of voting precincts 2, 3, 4, 13, 16, 22, 28; District 4 shall be composed of voting precincts 5, 6, 17, 18, 20, 24.

Section 6. Election of Commission. At the General Election immediately prior to the expiration date of the term of office of each member of the commission, and as is hereinabove provided and every four years thereafter, their successors shall be elected by the qualified voters of the entire county, and the term of office of each member so elected shall be four years, beginning on the first Monday after the second Tuesday in January, following said election, and until his successor has been elected and qualified.

Section 7. Qualifications for Election. Each candidate for election to the commission at the General Election shall be nominated by the voters of the entire county who are authorized to participate in any primary election, caucus, or convention, called or held by any political party for the nomination of said office, and their nomination by the qualified voters of any district, or of any subdivision of said county less than the whole county, by any primary election, caucus, or convention, is hereby prohibited. Each Associate Commissioner shall be a qualified voter and be a resident of the district for which he

is elected, and shall reside in said district continuously during his term of office.

Section 8. Vacancies Filled. Each said district of Marshall County shall be entitled to one Associate Commissioner on the commission at all times, and should any vacancy occur, such vacancy shall be filled by appointment of the Governor, and the person so appointed shall hold office for the remainder of the term of the place which is vacant.

Section 9. Commission Members Bonded. Each member of the commission shall, before entering upon the duties of his office, execute a good and sufficient bond, in the same amount; with the same conditions, which must be approved in the same manner, and must qualify in the same manner in all respects, except in so far as the same may be inconsistent with the provisions of this Act, as is provided under the General Laws of the State of Alabama for boards of revenue, courts of County Commissioners or other like governing bodies.

Section 10. Sessions. The commission shall hold regular sessions on the second and fourth Mondays in each month, at the courthouse in and for Marshall County, remaining in session as many days as may be necessary; and may hold special sessions at any time upon the call of the chairman. Action in the name of and under the authority of the commission may be taken by a majority of the commission present and voting at any regular or special session, provided that, at least a quorum is in attendance. A quorum shall consist of the chairman and two other associate commissioners or three associate commissioners.

Section 11. Chief Clerk, Duties. The commission shall employ a chief clerk, who shall devote his entire time to the duties of his office, and shall receive such compensation for his services as may be determined and fixed by the commission. The chief clerk shall enter the minutes of all proceedings of the commission in a well bound book provided him for that purpose, which book shall be kept in the office of the commission, and shall be open to the inspection of the public at all reasonable hours. The minutes of the proceedings of the commission shall be entered and recorded in the minute book within five days from the adjournment of every regular or special session. The chief clerk shall present to the Commission at each regular session a list of all claims which have been filed against the county and shall state each claim separately. The chief clerk shall keep a complete record of all receipts and disbursements of all county funds and must be prepared at all times to show the exact financial condition of the County.

Section 12. Engineer Employed. The commission shall employ a County Engineer, who shall be a thoroughly qualified

and competent civil engineer, possessing all the qualifications as specified for County Engineers under the General Laws of the State of Alabama; and he shall devote his entire time and attention to the maintenance and construction of the public roads, highways, bridges, parks, and other public properties of Marshall County, and shall reside in Marshall County during his employment as county engineer. Termination of the employment of the county engineer shall only be made by an affirmative vote of four (4) members of the commission at a regular session of the commission and with the approval by a majority vote of the Marshall County Salary Commission.

Section 13. Duties of Engineer. It shall be the duty of the County Engineer, (1) to supervise the maintenance and construction of the public roads, highways, bridges, parks, and other public properties of Marshall County, (2) to perform such engineering and surveying services as may be required, and to prepare and maintain the necessary maps and records, (3) to maintain the necessary accounting records to reflect the cost of the County Highway System, (4) to build, or construct new roads, or change existing roads, but only when ordered to do so by proper order of the commission, (5) in so far as is feasible, to construct all county roads on the basis of the county as a unit, without regard to any district or voting precinct, (6) to make recommendations for the employment of qualified personnel for the efficient performance of his duties as county engineer.

Section 14. Role of County Engineer in Purchasing. The county engineer is hereby designated as the person authorized to make written specifications for an inspection of all materials, machinery, equipment, and supplies purchased by Marshall County for use on public roads, bridges, parks, and other public properties, when the same is delivered, and the same shall not be accepted and paid for without first having been approved by the county engineer.

Section 15. Engineer Bonded. Before entering upon his duties, the county engineer shall make and enter into a surety bond in the amount of \$10,000 dollars, payable to Marshall County, conditioned for the faithful discharge and performance of his duties, and for the faithful accounting for all monies or property of the county, which may come into his possession or custody; said bond to be executed by a surety company authorized and qualified to do business in Alabama; and to be approved by the Chairman of the Commission; the premiums thereon to be paid by the county.

Section 16. Engineer Compensation. The commission shall fix the amount of the salary of the county engineer, payable from the road and highway funds of Marshall County. The

commission shall provide the county engineer with an office and the necessary supplies, and shall provide him with the necessary transportation in connection with his duties under this Act.

Section 17. Contingency Fund. The Commission shall have the power, and is hereby authorized to appropriate, out of any monies in the County Treasury, not otherwise appropriated, and to expend not exceeding the sum of \$2,000.00 per annum for any purposes, not otherwise provided for by law, which in their judgment are worthy and for the best interests of the county, the fund hereby authorized to be designated as the "Contingency Fund". Provided, however, that the expenditures herein provided shall first be authorized by the commission, and spread upon the minutes; and, provided further, that not more than \$2,000.00 shall be appropriated and expended in any one year, under this section, and should any sum or sums remain unexpended in said fund at the end of the year, only so much shall be appropriated for the next succeeding year as well, together with the unexpended sum, being the Contingency Fund to the sum of \$2,000.00.

Section 18. Expenses for Travel on Official Business. The members of the commission shall each be reimbursed actual expenses for travel on official business outside Marshall County. It is provided, however, that each member of the commission shall be furnished at the expense of Marshall County, a low-cost automobile to be used by members of the commission in carrying out their duties of office, which shall not be used for personal business or pleasure.

Section 19. County Highway Program. The commission shall provide for a County Highway Program for Marshall County consistent with the provisions of this Act and shall employ all such assistants as are necessary to properly maintain and construct the public roads, highways, bridges, parks, and other public properties of Marshall County, and shall have authority to prescribe their duties, and to discharge said employees for cause, or when not needed.

Section 20. Equipment Marking Designated. It shall be the duty of the commission to provide for the marking in the manner hereinafter prescribed of all vehicles, except those vehicles furnished for use by each member of the commission as provided in Section 18 of this Act, and all road-building machinery and equipment owned or leased by Marshall County. All such vehicles owned by the county shall be plainly marked in letters not less than three inches high as follows: PROPERTY OF MARSHALL COUNTY—DISTRICT 1, 2, 3, or 4 as the case may be. All such vehicles held by the county under a lease-sale contract or a contract for the rental or hire thereof

shall be marked as follows: UNDER LEASE OR RENTAL CONTRACT BY MARSHALL COUNTY—DISTRICT 1, 2, 3, or 4 as the case may be.

Section 21. Annual Inventory of All Property. It shall be the duty of each member of the commission and each department head of Marshall County to file for public record with the commission office a sworn statement and inventory of all equipment, machinery and property of the county in his custody or under his control before October 1 each year. Such statement and inventory shall be included in the minutes of the first regular session of the commission in October each year.

Section 22. Work Prohibited on Private Property Except in Certain Cases. The use of any county equipment, materials, or supplies or property of any nature in the custody of or under control of the commission for any kind of work, job, or project on property not owned by the county (excepting church grounds, cemeteries, any public school property of the Marshall County Board of Education or city board of education within Marshall County, and property owned by organizations composed entirely of U. S. war veterans) or on property outside the county, or the authorization of such work by the commission or by any member of the commission is strictly prohibited. This Section shall not apply to reciprocal agreements authorized by the commission between Marshall County and any adjoining counties when such agreements are deemed to be in the best interests of Marshall County. Violation of this Section shall result in forfeiture of office and removal by impeachment of such member or members and in addition the forfeiture of the sum of \$5,000.00 to be covered by suit brought by an qualified elector of the county, one-half for use of such elector and one-half for use of the county.

Section 23. Work in Municipalities. No work shall be authorized or performed by the commission or any member of the commission for any municipality of the county (except for municipal school boards as provided in Section 22) having a population of more than 750 persons, requiring the use of county equipment, materials, supplies or labor, unless such work is first authorized pursuant to a written contract between the municipality and the commission under which the municipality agrees to pay the full cost of labor, materials, and supplies used in such work. Any contract so agreed upon must be approved at a regular session of the commission and signed by a majority of the commission including the chairman.

Chert, dirt or gravel taken from county-owned property or leased property may be loaded by county equipment and sold to municipalities, licensed contractors, and individuals, and charges for the material shall be made at current market rates

in addition to current market rates for the loading. Detailed and accurate records of such work and such sales shall be kept by the commission and open for public inspection at all reasonable hours.

Section 24. Annual Budgets. It shall be the duty of the commission at some session in September of each calendar year, or not later than their first session in October following, to prepare and adopt an estimate of the income of the county for the fiscal year beginning on October first of the current calendar year, for all public funds under their supervision and control; and to estimate for the same fiscal year the expense of operations, and to appropriate for the various purposes the respective amounts that are to be used for each of such purposes. Provided, the appropriations so made shall not exceed the estimated total income of the county available for appropriations. It shall be the duty of every county official who is authorized by law to purchase supplies for the use of his office, to prepare and submit to the commission at or before the session of the commission at which the county budget is adopted, an estimate of the amount necessary to be spent by him for office supplies during the following fiscal year. The commission shall examine into such estimates and pass upon them, allowing therefor such amounts as the commission may seem to be proper for the purpose mentioned herein. And no obligation incurred by such officer over and above the amount approved by the commission and appropriated therefor shall be an obligation of the county, except to the extent therefor approved by the commission.

Section 25. Public Hearing Required for Issuance of Tax Anticipation Warrants. The commission shall not issue any tax anticipation warrants, revenue bonds or other evidences of temporary loans until a public hearing relative to the issuance thereof has been held. Notice of each hearing must be given by publication in a newspaper published in Marshall County at least seven days prior to the public hearing.

Section 26. Purchasing. a) No warrant shall be issued or check drawn on the county treasury or county depository by any person except the chairman of the commission, or such other officers as may be designated by the commission unless otherwise provided by law; and officers who are authorized to pay claims which have not been first approved by the commission, shall issue orders for warrants or checks which must be presented to the officer so authorized to issue warrants payable out of the county treasury or county depository.

b) Purchase orders shall be made by a requisition from the respective county department head or associate commissioner and said requisition order shall show the description, use,

need and approximate cost for the article, machinery, equipment, services or materials of every kind to be purchased.

c) Every officer, agent, and department of the county in need of materials, equipment, supplies, and services of any kind for which the county is chargeable shall make requisition upon the commission or its designated officer, one or both, before obtaining the same. All purchases made for supplies, goods, services, merchandise and materials of every kind for use of the county and which may be lawfully paid out of the county treasury or county depository, shall be first asserted to, made or allowed, by the commission or designated officer or agent, either one or both.

d) The commission may promulgate reasonable rules and regulations in complying with the provisions of this Act for the acquisition of supplies, materials, equipment and supplies.

e) Purchases of materials and supplies not allocated in the county budget or for materials and supplies in excess of the allocated budget shall be approved by the commission.

f) Any other sections or subsections of this act to the contrary, notwithstanding, the purchase of materials, equipment, and supplies exceeding \$500.00 shall be approved by the commission.

g) All purchase shall comply with the state bid law applying in county governing bodies.

Section 27. Purchasing of Used Equipment Prohibited.

No used or secondhand trucks or road machinery shall be purchased for the county, nor shall any purchase be made or any contract of sale or lease-sale or for the leasing, renting or hiring of any vehicles or other equipment be entered into unless the contractor certifies that the sale price or the hire or rental fee, as the case may be, charged Marshall County will not exceed the like charge made by him to other counties for like equipment, or its use, during the year in which the contract with Marshall County is made. If any such seller or lessor, during such period sells or leases any like equipment to another county, then Marshall County shall be entitled to be reimbursed the difference between the price it paid for such equipment or its use and the lowest charge made to another county by such seller or lessor for like equipment or its use; and in addition thereto to punitive damages in the sum of \$1,000, all of which may be recovered by the county in a proper action at law. Any dealer or seller who sells trucks, tractors, or any road building machinery or equipment to Marshall County representing the same to be new, when, in fact, it is used or secondhand equipment shall be guilty of fraud, and, in addition to being subject

to the penalty prescribed therefor by law, shall also be liable to the county for any damages caused by delays in work because of the fact that such trucks, tractors or other machinery or equipment was not new and shall also reimburse the county for the whole or any part of the purchase price paid by the county therefor. If there is a balance due on the purchase price when the fraud is discovered the county shall not be liable for the payment thereof, and may retain such truck, tractor or other machinery and equipment until it is reimbursed the part of the purchase price theretofore paid and reimbursed for the damage for which such seller or dealer is liable under the above provisions of this section because of the fraud.

Section 28. Competitive Bid Procedures. The commission shall comply with the State bid law applying to county governing bodies and any other sections of this act applying to competitive bid procedures and in addition, the commission shall furnish to a newspaper published in Marshall County, to be published therein as a legal advertisement paid for at the usual rate by the County, a notice or advertisement stating that sealed bids will be received on a specified date at the office of the commission for the article or articles or services described in the order of the commission. The notice shall also state that complete specifications and description of the article or articles or service or services to be purchased are available at the office of the commission or on the bulletin board outside the commissioners' office. In sending such advertisements to the newspapers the commission shall take care that each newspaper published in the county gets a fair share of publishing of such notices and to this end a system of rotation shall be established whereby all newspapers published in the county will be patronized. At the expiration of the time for receiving bids, the chairman shall deliver all sealed bids unopened to the commission at its next session, and thereupon the commission shall open the bids and award the purchase to the lowest responsible bidder and order the chairman to issue a purchase order thereon; or, the commission may reject all bids and invite new bids in the manner herein provided. The names of all bidders, the amounts bid, a complete description or itemization of items bid on, and the terms of the bid shall be listed and released as information for publication to all county newspapers. Neither the chairman nor the commission shall have authority to accept any bid unless at the time of accepting the same the county has funds on hand sufficient to pay for the same.

Section 29. Lease-sale, Rental Contracts. All lease-sale contracts and contracts for the rental or hire of materials, equipment, supplies, and services of any kind shall be in accordance with the State bid law applying to county governing bodies and sections 26, 27, and 28 of this act, and such contracts

shall not be made unless authorized by resolution or order of the commission made at a regular session of the commission. Any and all lease-sale contracts, or contracts for the rental or hire of any such property, not made in conformity with the provisions of this act shall be null and void; and it shall be unlawful for a warrant to be issued in payment thereof.

Section 30. Contracting for the Purchase of Expendable Items. Expendable materials and supplies including gasoline, fuel, oil, tires, pipe, food for county prisoners, any or all of them may be purchased as provided in Section 26 of this act, or the commission may enter into contracts for the purchase of the same, which contracts shall contain such terms as the commission may desire, provided that bids for such contracts shall be in conformance with Section 28 of this act. The commission may make one or several contracts for the purchase of said articles for concurrent terms and the members of the commission using or desiring any of such items may order the same from any person with whom the county has entered into a contract for the purchase of the same.

Section 31. Emergency Purchasing. Each member of the commission shall have emergency purchasing authority as follows:

a) Emergency purchases shall be restricted to equipment repair, parts and supplies when needed equipment is idle because of lack of such parts and supplies, and items required to alleviate dangerous traffic conditions or other conditions constituting a danger to the public. Such purchases shall not exceed the sum of \$500.00 in any instance.

b) When an emergency purchase is made, a requisition shall be prepared immediately in duplicate. The original and duplicate requisition shall be forwarded to the office of the Commission on the day that the emergency purchase and requisition are completed, showing the name of the person or firm from which purchase is made and the office of the commission shall issue a confirming purchase order for the emergency purchase. The commissioner shall specify on the requisition the reason and cause thereof for such emergency purchase. The emergency purchase requisition shall be signed by the member of the commission requiring same.

Section 32. Previous Purchases Validated. All purchases made by the commission prior to the effective date of this act are hereby validated and confirmed.

Section 33. All laws or parts of laws which conflict with this act are hereby repealed.

Section 34. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 35. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 617

S. 702—McDonald (S)

AN ACT

Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; setting the salary of the probate judge, sheriff, tax assessor and tax collector.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census.

Section 2. The following county officers of any such county shall receive the following annual salaries:

| | |
|---------------|----------|
| Probate Judge | \$20,000 |
| Sheriff | 18,600 |
| Tax Assessor | 15,000 |
| Tax Collector | 15,000 |

The salaries hereinabove provided shall be payable in equal monthly installments from the general fund of the county and shall be paid in lieu of any salaries, expense allowances, or other compensation heretofore prescribed by law for such officers. In addition to such salaries such officers may be reimbursed for out of pocket expenses by submitting an expense account to the county commission.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective as to the sheriff, the tax assessor and the tax collector upon the expiration of the respective terms of office of the incumbents in the above listed offices and it shall become effective as to the judge of probate upon the same date that it becomes effective as to the sheriff.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 618

S. 703—McDonald (S)

AN ACT

Relating to Marshall County; providing for clerk-hire allowances for certain county offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Marshall County shall provide each fiscal year from any funds available to Marshall County not less than the following enumerated allowances for the purpose of hiring clerks and assistants:

Office of the Marshall County

| | |
|---------------------------------------|--------------|
| Commission: | \$ 37,800.00 |
| Office of the Probate Judge: | 44,100.00 |
| Office of the Tax Assessor: | 25,140.00 |
| Office of the Tax Collector: | 17,800.00 |
| Office of the Circuit Clerk: | 36,600.00 |
| Office of the Register Circuit Court: | 14,400.00 |
| Office of the Sheriff and Jail: | 218,984.00 |

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 619

S. 704—McDonald (S)

AN ACT

Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; providing a salary supplement allowance for the register of the circuit court.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census shall pay the register of the circuit court from the general fund of the county a salary supplement of three hundred dollars per month. Such salary supplement shall be in addition to any and all other salary, compensation or expense allowance provided by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective January 1, 1977, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 620

S. 719—McDonald (S)

AN ACT

Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; authorizing the sheriff of any such county to appoint certain additional employees and providing for their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census.

Section 2. The sheriff of any such county is hereby authorized to appoint two additional deputies, one additional assistant investigator and one additional clerk. Their salaries and allowances shall be the same as those presently employed in such classifications and shall be paid out of the general fund of the county.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 621

S. 720—McDonald (S)

AN ACT

To provide a uniform allowance for all employees of the sheriff's office in those counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the 1970 or any subsequent federal decennial census and to provide retroactive effect for said act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall be applicable in all counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In lieu of any compensation for uniform allowances heretofore authorized by law, all employees of the sheriff's office in such counties shall be entitled to a monthly increment of twenty-five dollars (\$25.00) for such allowances.

Section 3. The sums for allowances provided herein shall be paid from any available funds in the county treasury.

Section 4. The provisions of this act shall become retroactive to April 1, 1976.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 622

S. 732—Mims

AN ACT

To reopen the Employees' Retirement System of Alabama for prior service for certain members in certain counties who are precluded from obtaining credit for such service for reasons other than non-membership; providing that as a prerequisite to such credit members must, on October 1, 1976, be an active and contributing member of the Employees' Retirement System of Alabama and in the active service of the employer for whom such prior service was rendered; and providing

that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever used in this Act, all words and phrases defined in Act No. 515, H. 93 of the Regular Session of 1945 (Acts of 1945, p. 734, now appearing in the Code of Alabama 1940, Recompiled 1958, and the Supplement thereto as Chapter 17, Section 456 through 475 of Title 55), as heretofore amended or superseded, shall have the same meanings ascribed to them in such Act, unless the context clearly indicates that a different meaning is intended.

Section 2. Any active and contributing member of the Employees' Retirement System of Alabama who on October 1, 1976, is an employee of an employer participating in the retirement system under Section 12 of Act 515 of the Regular Session of the 1945 Legislature, as amended and supplemented, and who has rendered creditable service to such employer prior to the date the employer's participation commenced, but who is precluded from obtaining credit therefor under the retirement system for reasons other than having been a non-member, may hereby claim and purchase credit for any such prior service as an employee of any county having a population of not less than 26,000 nor more than 26,800 according to the 1970 or any subsequent federal decennial census provided he shall comply with all of the provisions of this Act.

Section 3. Any member eligible to claim and purchase credit for prior service under Section 2 hereof shall be awarded such credit under the Employees' Retirement System of Alabama provided he shall pay to the Secretary-Treasurer of the Employees' Retirement System of Alabama, on or before January 1, 1977, a sum equal to the total contributions which he would have contributed during such period of prior service based on his annual compensation in each year of prior service claimed at the percentage rate of member contribution prevailing at the time payment is made hereunder, plus interest at eight per centum (8%) compounded annually until the date of repayment.

Section 4. In addition to all other conditions and prerequisites for prior service credit hereunder, any member claiming such prior service credit must and shall be on the date payment is made a full time and permanent employee of the employer for whom the prior service was rendered.

Section 5. Anything in this Act to the contrary notwithstanding, the employer cost for the granting of any service credit granted under the provisions of this Act shall become the

continuing liability of the employer for whom such service was rendered.

Section 6. The provisions of this Act are supplemental; however, all laws or parts of laws in direct conflict herewith are hereby repealed.

Section 7. This Act shall take effect October 1, 1976.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 623

H.J.R. 208—Venable

HOUSE JOINT RESOLUTION

CREATING THE ELMORE COUNTY GOVERNMENTAL STUDY COMMISSION ON REDISTRICTING AND OTHER COUNTY GOVERNMENT FUNCTIONS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Elmore County Governmental Study Commission for the purpose of considering a proposed redistricting plan for the present districts of Elmore County and other areas of county government functions which officials or interested county residents may request the commission to consider. The study commission shall be composed of two citizens from each Elmore County district as follows: one shall be appointed by the county governing body and one shall be appointed by the resident members of the Elmore County legislative delegation. The appointment shall be made within ten days following the passage of this resolution.

BE IT FURTHER RESOLVED, That the commission shall meet within ten days from the date of the last appointment and at that time select a chairman from among its members. Subsequent meetings shall be upon the call of the chairman or upon the petition of five members of the commission.

RESOLVED FURTHER, That the members shall serve without pay; provided, however, the county governing body shall provide the necessary staff assistance and pay the necessary and reasonable expenses, approved by the chairman of the commission, incident to the implementation of the provisions of this resolution.

BE IT FURTHER RESOLVED, That the commission shall report its findings, conclusions and recommendations to the Elmore County governing body and to the Elmore County legis-

lative delegation not later than January 1, 1977, whereupon the commission shall be dissolved unless extended by resolution of the county governing body.

RESOLVED FURTHER, That copies of this resolution shall be sent to each member of the county governing body and to the Elmore County legislative delegation.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 624

H. 84—Lee, Johnson, Robertson, Howard,
Clark, Owens

AN ACT

To name the Tuscaloosa State Technical College the C. A. Fredd State Technical College.

WHEREAS, Dr. C. A. Fredd, Sr. was the first President of Tuscaloosa State Technical College, serving from May 1, 1965 to the present; and

WHEREAS, he organized and developed the school from five to twelve courses; and

WHEREAS, he conducted and led a self-study that was responsible for the institution being accepted as a member of the Southern Association of Colleges and Schools; and

WHEREAS, under his leadership, Tuscaloosa State Technical College did not receive any negative criticism; and

WHEREAS, he has the profound respect of students, faculty, and staff of the school; and

WHEREAS, he is greatly recognized and respected for his educational and civic contributions to the community and surrounding area; and

WHEREAS, Dr. C. A. Fredd, Sr. has reached the period of well deserved retirement and the Alabama Legislature wishes to honor him by naming the college he has led for so long after him, now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. Tuscaloosa State Technical College is hereby renamed and designated as the C. A. Fredd State Technical College.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 625

H. 259—Armstrong

AN ACT

Authorizing banks and trust companies holding treasury securities as executor, administrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to deposit, or arrange for the deposit, with the federal reserve bank in its district of such treasury securities to be credited to one or more accounts on the books of said federal reserve bank in the name of such bank to be designated trust or other accounts in accordance with rules and regulations of the federal reserve bank, to which similar treasury securities deposited by the bank for other fiduciary accounts may be credited; providing that ownership of, or interest in, such treasury securities may be transferred by entries on the books of said federal reserve bank without physical delivery thereof; requiring and authorizing the consent of its co-fiduciary where the bank or trust company holds such securities as a co-fiduciary; and prescribing the conditions upon which treasury securities may be so deposited.

Be It Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS. As used in this Act, unless the context or subject matter otherwise requires:

1. "Fiduciary" includes an administrator, an administrator with the will annexed, an administrator de bonis non, an executor, a trustee, a guardian, a conservator, an agent or a custodian.

2. "Fiduciary account" includes an estate, a trust, a guardianship, a custodianship, an agency, or any other fiduciary relationship, including a custodianship or agency for another fiduciary or fiduciaries.

3. "Bank" means a bank or trust company organized and existing under the laws of Alabama with authority to act as a fiduciary and a national banking association with its principal office in the State of Alabama and with authority to act as a fiduciary.

4. "Treasury security" means any bill, note, bond, certificate of indebtedness, or other evidence of indebtedness, the principal and interest of which the United States or any department, agency or instrumentality thereof has agreed to pay, or has guaranteed payment.

5. "Deposit" includes physical delivery and also includes crediting by entry on the books of the federal reserve bank without physical delivery.

Section 2. AUTHORITY WITH RESPECT TO CERTAIN SECURITIES. Notwithstanding any other provision of law to the contrary, any bank holding treasury securities as a fiduciary, as a co-fiduciary, or as a custodian or agent for another fiduciary or fiduciaries is authorized, in the absence of specific provision to the contrary in the governing instrument or court order under which the bank is acting, to deposit, or arrange for the deposit, with the federal reserve bank in its district of such treasury securities to be credited to one or more accounts on the books of said federal reserve bank in the name of such bank to be designated trust or other accounts in accordance with rules and regulations of the federal reserve bank, to which similar treasury securities deposited by the bank for other fiduciary accounts may be credited. Ownership of, and other interest in, such treasury securities may be transferred by entries on the books of said federal reserve bank without physical delivery thereof. In the event the bank holds treasury securities as a co-fiduciary, the bank before acting under the authority herein contained must have the written consent of its co-fiduciary, who is hereby authorized to give such consent. When acting under the authority herein contained, the records of the bank shall at all times show the fiduciary accounts for which such treasury securities are deposited and the ownership of such treasury securities in each fiduciary account. A bank, when acting under the authority herein contained, shall be subject to such rules and regulations as, in the case of banks or trust companies organized and existing under the laws of Alabama, the Superintendent of Banks and, in the case of national banking associations, the Comptroller of the Currency may from time to time issue. A bank shall, upon demand by any person to whom it has a duty to account with respect to a fiduciary account, certify in writing the treasury securities deposited by it with the federal reserve bank for that fiduciary account.

Section 3. APPLICABILITY. This Act shall apply to all fiduciary accounts now in existence or hereafter established regardless of the date of the governing instrument or court order under which the bank is acting.

Section 4. SEVERABILITY. In the event any section, sentence, clause, phrase, part or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, phrases, parts or provisions of this Act, which shall continue effective.

Section 5. REPEAL OF INCONSISTENT LAWS. All laws or parts of laws in conflict with the provisions of this Act are, to the extent of such conflict, hereby repealed.

Section 6. EFFECTIVE DATE. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 626

H. 668—Pegues, Killian, Falkenburg, Manley,
White, Campbell

AN ACT

To provide that all persons eligible to receive medicaid shall pay the sum of one dollar (\$1.00) for each visit as a co-payment for medical services provided by a physician under the medicaid program.

Be It Enacted by the Legislature of Alabama:

Section 1. All persons eligible to receive medicaid shall pay the sum of one dollar (\$1.00) for each visit as a co-payment for medical services provided by a physician under the medicaid program.

Section 2. The one dollar (\$1.00) co-payment shall be collected by the attending physician and credited against the medicaid payment to the physician for the visit.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 627

H. 769—Armstrong

AN ACT

TO AMEND SECTIONS 1, 6, 7, 8 AND 11 OF ACT NO. 342, S. 201, OF THE 1967 REGULAR SESSION OF THE LEGISLATURE OF ALABAMA ENTITLED "TO AMEND FURTHER ACT NO. 565 ENACTED AT THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1943, ENTITLED 'AN ACT TO AUTHORIZE THE ESTABLISHMENT AND MAINTENANCE OF COMMON TRUST FUNDS; TO AUTHORIZE INVESTMENTS OR PARTICIPATIONS THEREIN; TO DEFINE THE REQUIREMENTS AND TERMS THEREOF AND THE CONDITIONS AND TERMS GOVERNING INVESTMENTS OR PARTICIPATIONS THEREIN AND THE ADMISSION AND WITHDRAWAL OF SUCH INVESTMENTS OR PARTICIPATIONS; TO PRESCRIBE AND DEFINE THE RIGHTS, POWERS AND DUTIES OF BANKS, TRUST COMPANIES, FIDUCIARIES, PARTICIPANTS, BENEFICIARIES AND OTHER PERSONS WITH RESPECT THERETO; TO PROVIDE FOR THE REGULATION AND SUPERVISION THEREOF; TO REPEAL ALL LAWS AND PARTS OF LAWS INCONSISTENT AND IN CONFLICT WITH THE PROVISIONS OF THIS ACT, AND FOR OTHER PURPOSES,' AS SAID ACT HAS HERETOFORE BEEN AMENDED BY ACT NO. 262 ENACTED AT THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1949 AND BY ACT NO. 112 ENACTED AT THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1953" SO AS TO AUTHORIZE THE INVESTMENT BY AN AFFILIATED TRUST INSTITUTION ACTING AS A FIDUCIARY OR CO-FIDUCIARY IN A COMMON TRUST FUND MAINTAINED BY ANOTHER AFFILIATED TRUST INSTITUTION.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 342, S. 201, of the 1967 Regular Session of the Legislature of Alabama is hereby amended to read as follows:

Section 1. Definitions as used in this Act, and unless a different meaning appears from the context: (a) The term "Trust Institution" means any state bank, any national bank, or any trust company, authorized to act in a fiduciary capacity in this state, and under the supervision of the Comptroller of the Currency of the United States, or the Federal Reserve System, or the Banking Department of the State of Alabama. (b) The term "Affiliated Trust Institution" means a trust institution which, together with one or more other trust institutions, are each owned or controlled by a bank holding company which is under the supervision of the Board of Governors of the Federal Reserve System. (c) The term "owned or controlled" means the ownership by a bank holding company of stock possessions at least eighty percent (80%) of the voting power of all classes of stock and at least eighty percent (80%) of each class of the nonvoting stock (other than nonvoting stock which is limited and preferred as to dividends) of the trust institution. (d) The term "Fiduciary" means any trust institution or person acting in the capacity of executor, administrator,

administrator with the will annexed, administrator de bonis non, guardian, testamentary trustee, trustee appointed by any court, and trustee, agent or custodian under any written agreement, declaration, or instrument of trust, either solely or together with others. (e) The term "Common Trust Fund" means a fund established, maintained and administered pursuant to the requirements of this Act by a trust institution, exclusively for the collective investment and reinvestment of moneys contributed thereto by such trust institution in its capacity as a fiduciary or co-fiduciary or by an affiliated trust institution in its capacity as a fiduciary or co-fiduciary. (f) The term "Estate" or "Estates" as used in this Act shall include any trust, estate or fund, administered by a trust institution in a fiduciary capacity. (g) The term "Participation" shall mean the interest of a participating trust in common trust fund. (h) The term "Participant" shall mean any trust, estate or fund, administered by a trust institution in a fiduciary capacity having a "participation." (i) The term "Security" or "Securities" shall include all types of property in which the trust institution is authorized to invest the assets of the common trust fund.

Section 2. Section 6 of Act No. 342, S. 201, of the 1967 Regular Session of the Legislature of Alabama is hereby amended to read as follows:

Section 6. If the instrument under which a trust institution acts as fiduciary, whether such fiduciary capacity arose before or is created after this Act takes effect, shall either expressly or by its silence limit or restrict the investment of moneys of the state and securities to the class authorized by law as legal investments, the trust institution may, in its capacity as sole fiduciary or with the consent of any person acting with it in a fiduciary capacity, invest and reinvest moneys of the estate in any such common trust fund maintained by the trust institution or by an affiliated trust institution, provided, the securities composing such fund consist solely of securities of the class authorized as legal investments for funds held by a fiduciary. If the instrument under which the trust institution acts as fiduciary, whether such fiduciary capacity arose before or is created after this Act takes effect, shall authorize investments of moneys of the estate in a common trust fund or in investments other than those designated by law as legal investments, or shall authorize the trust institution, either alone or in conjunction with any person acting with it in a fiduciary capacity, to exercise its or their discretion with respect to the investment of moneys of the estate, the trust institution may, in its capacity as sole fiduciary or with the consent of any person acting with it in a fiduciary capacity, invest and reinvest moneys of the estate in any such common trust fund maintained by it or

by an affiliated trust institution. Any such common trust fund consisting solely of moneys of estates contributed thereto by a trust institution pursuant to authority contained in any such instruments creating the fiduciary capacity to invest moneys of the estates in a common trust fund, or in investments other than legal investments, or pursuant to such discretionary powers with respect to the investment of moneys creating the fiduciary capacity, may be composed of investments other than those of the class designated by law as legal investments, for funds held by fiduciaries. In order to determine whether the investment of funds received or held by a trust institution as fiduciary in a participation in a common trust fund is proper, the trust institution may consider the common trust fund as a whole and shall not, for example, be prohibited from making such investment because any particular asset is non-income producing.

Section 3. Section 7 of Act No. 342, S. 201, of the 1967 Regular Session of the Legislature of Alabama is hereby amended to read as follows:

Section 7. The trust institution shall invest the moneys of an estate (whether the estate is administered by such trust institution or by an affiliated trust institution) in such common trust fund, by adding the same thereto, and by apportioning a participation therein to such estate in the proportion that the moneys of the estate added thereto bears to the aggregate value of all the securities of such fund at the time of such investment, including in such securities the moneys of the estate so added. The withdrawal of a participation of such common trust fund shall be on the basis of its proportionate interest in the aggregate value of all the securities of such fund at the time of such withdrawal, as hereinafter provided. The participating interest of any estate in such common trust funds may, from time to time, be withdrawn in whole or in part by the trust institution administering the estate, and shall be withdrawn within a period of three months following the written request so to do of any person acting with the trust institution administering the estate in a fiduciary capacity. Funds for the purpose of any withdrawal shall be made promptly available by the trust institution through sale of securities of the common trust fund. Upon such withdrawals, the trust institution may make distribution in cash or ratably in kind, or partly in cash and partly in kind, provided that all such distribution as of any one time shall be made on the same basis.

Section 4. Section 8 of Act No. 342, S. 201, of the 1967 Regular Session of the Legislature of Alabama is hereby amended to read as follows:

Section 8. The trust institution shall designate clearly upon its records the names of the fiduciary accounts which

own a participation in the common trust fund, and the extent of the interest of such fiduciary accounts therein. No fiduciary account owning or holding an investment or participation in a common trust fund shall be deemed to have individual ownership of any asset in such common trust fund, but should be deemed to have only a proportionate undivided interest in the common trust fund.

Section 5. Section 11 of Act No. 342, S. 201, of the 1967 Regular Session of the Legislature of Alabama is hereby amended to read as follows:

Section 11. The trust institution shall have the exclusive management and control of each common trust fund administered by it and the sole right at any time to sell, convert, exchange, transfer or otherwise change or dispose of the assets comprising the same. The ownership of such assets shall be solely in the trust institution as fiduciary and shall be considered as assets held by it as fiduciary. A trust institution shall not invest any of its own funds in a common trust fund administered by it or by an affiliated trust institution and if any trust institution, because of a creditor relationship or any other reason, acquires any interest in a participation in such common trust fund, the participation shall be withdrawn on the first date on which such withdrawal can be effected; however, in no case shall an unsecured advance to a participant until the time of the next withdrawal be deemed to constitute in the acquisition of an interest by a trust institution. A trust institution may charge a fee for the management of a common trust fund administered by it, provided that the fractional part of such fee proportionate to the interest of each participant shall not, when added to any other compensations charged by the trust institution or by an affiliated trust institution to the participant, exceed the total amount of compensations which would have been charged to said participant if no assets of said participant had been invested in participations in the common trust fund.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 628 H. 896—Carter, Warren, Baker, Kelley, Drake,
Sasser, Pegues, Smith (J), Roberts,
Martin, Cross

AN ACT

To provide for the transfer of certain parts of the Fort Morgan Military Reservation to the Alabama Historical Commission; to reaffirm the rights of the department of conservation in other parts of such reservation; to provide for the continued operation of Fort Morgan as a recreational park; and to repeal Act No. 344, H. 301, Regular Session 1955 (Acts 1955, p. 780).

Be It Enacted by the Legislature of Alabama:

Section 1. All of that part of the Fort Morgan Military Reservation lying within the Fort Morgan Military Reservation conveyed from the United States of America to the State of Alabama by Quitclaim Deed executed May 26, 1927, and on which Fort Morgan itself is located, and also a certain part of the Fort Morgan Military Reservation conveyed by the United States of America to the State of Alabama by deed executed December 16, 1946, including all that area South of the outer South face of the East-West sea wall and West of the North-South sea wall, is hereby transferred to the Alabama Historical Commission. All other property, both real and personal, including structures and objects located on either of said tracts of land, owned by the Fort Morgan Historical Commission, and all of its powers, authority and jurisdiction over said property, are also hereby transferred to the Alabama Historical Commission; and any right, title or interest which the state department of conservation has in the above described property is also hereby transferred to the Alabama Historical Commission. Such Commission shall have full authority to develop, renovate, restore, preserve, maintain operate, exhibit and publicize thd above described properties in accordance with the powers and responsibilities of said Alabama Historical Commission.

Any right, title or interest of the department of conservation in all that part of the Fort Morgan Military Reservation, not hereinabove transferred to the Alabama Historical Commission, shall continue to be held by the state department of conservation; and all such property may, be used as a public park for recreation, such as camping, boating, fishing and any other purposes for which the department of conservation is authorized to maintain and operate a public park. The paved road that runs south at the sea wall shall, however, be open for use by vehicles for ingress and egress to the beach; and the department of conservation shall not prohibit camping on any part of the reservation under their jurisdiction and control.

The attorney general, with the assistance of the director of conservation, shall not later than the effective date of this act cause an appropriate deed or conveyance to be executed in accordance with the provisions of this act.

Section 2. All unencumbered and unexpended funds appropriated to the Fort Morgan Historical Commission shall be transferred to the Alabama Historical Commission.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of the law which conflict with this act are hereby repealed. Act 344, H. 301, Regular Session 1955 (Acts 1955, p. 780), and all amendatory acts thereto, are hereby specifically repealed.

Section 5. This act shall become effective January 15, 1977.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 629

H. 1071—Warren

AN ACT

Providing for purging the lists of registered voters in Conecuh County; requiring and prescribing the procedure for purging the lists of registered voters; placing certain duties on the board of registrars, election officials and the county governing body relative to the purging of registered voter lists.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Conecuh County is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all persons who are deceased or nonresidents of the county, or have otherwise become disqualified from voting in Conecuh County, shall be removed from such lists, and that the name of each qualified elector shall appear only on the list of qualified electors for the district and precinct in which he resides.

Section 2. The board of registrars shall meet as often as necessary and on such dates as the board may by order fix for the purpose of purging the list of qualified electors of the county. The board may meet any number of days not exceeding thirty days from January 1, 1977 until December 31, 1977 in excess of the maximum now provided by law, for the pur-

pose of purging such list, and shall be entitled to the same per diem allowances for meeting on such dates, in excess of the maximum, as now provided by law. The chairman of the board of registrars shall secure from the local registrar of vital statistics, before each purging session of the board, the names of all persons over age eighteen who have died in the county since the last purging session of the board, and shall likewise secure from the clerk of the circuit court the names of all persons over age eighteen who have been convicted in the county of a disqualifying crime.

Section 3. All regular election officials shall assist the board in any way with information about persons whom they know have moved, died or who have otherwise become disqualified from voting in Conecuh County.

Section 4. Each member of the board of registrars shall be paid from the county general fund, as now provided by law, for each day's attendance upon the special sessions of the board required under the provisions of this act; but if such special session is held on the same day a regular session is required to be held under the laws of this state, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor, and Commissioner of Agriculture and Industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.

Section 5. The court of county commissioners, board of revenue or like governing body of Conecuh County is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, printed forms, stationery, stamps, clerical help and newspaper advertisements necessary for the purging of voter lists as herein provided.

Section 6. Any voter who, pursuant to the provisions of this act, has been purged from the voting lists of Conecuh County shall be entitled to vote a challenged ballot at the next election held in such county.

Section 7. Any voter who no longer resides in Conecuh County but who still claims Conecuh County as his legal residence may remain on the voter list of Conecuh County by filling out and mailing to the office of the board of registrars the completed answers to such questions as may reasonably be propounded and mailed to him in a written questionnaire by the board of registrars. Such questionnaire may contain such ques-

tions as are reasonably necessary to establish the identity of the person signing such questionnaire, the place of his legal residence, and that he has not become disqualified from voting in such county.

Section 8. When the name of any voter is proposed to be stricken from the registration list, unless he or she is dead or is a nonresident of the state notice shall be issued to him or her by the board of registrars in the same manner as is provided for by general law.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of law which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 630

H. 1289—Kelley, Mitchem

AN ACT

To provide a uniform allowance for all employees of the sheriff's office in those counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the 1970 or any subsequent federal decennial census and to provide retroactive effect for said act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall be applicable in all counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In lieu of any compensation for uniform allowances heretofore authorized by law, all employees of the sheriff's office in such counties shall be entitled to a monthly increment of twenty-five dollars (\$25.00) for such allowances.

Section 3. The sums for allowances provided herein shall be paid from any available funds in the county treasury.

Section 4. The provisions of this act shall become retroactive to April 1, 1976.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts or laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 631 H. 1208—Greer, Riddick, Hill, Gregg, Coburn,
Naramore, Martin, Roberts,
McCluskey, Cross, Weeks

AN ACT

To further provide for the eligibility for medicaid benefits for certain medicaid patients who were eligible for benefits upon entrance to the medicaid program and to provide that the provisions of this act will apply retroactively.

Be It Enacted by the Legislature of Alabama:

Section 1. Any nursing home patient receiving medicaid payment or other medicaid patient who is financially eligible for medicaid benefits upon entrance to a nursing home or to the medicaid program and whose monthly income increases to an amount greater than the maximum allowed by medicaid shall continue to remain eligible for medicaid benefits provided such person shall pay the amount of any increased income to the medicaid program.

Section 2. The increase over eligibility for medicaid ceiling shall not exceed \$100.00.

Section 3. The provisions of this act are supplemental and shall not be construed to repeal any laws not in direct conflict herewith.

Section 4. The effective date of this act shall be retroactive to June 1, 1976.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 632

H. 1232—Mitchem, Kelley

AN ACT

Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; providing a salary supplement allowance for the register of the circuit court.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census shall pay the register of the circuit court from the general fund of the county a salary supplement of three hundred dollars per month. Such salary supplement shall be in addition to any and all other salary, compensation or expense allowance provided by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective January 1, 1977, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 633

H. 1248—Mitchem, Kelley

AN ACT

Relating to Marshall County; abolishing the Commission on Government and Finance of Marshall County and creating in lieu thereof the Marshall County Commission; providing for the election of the members of the commission, prescribing their qualifications, terms, and compensation; providing for the organization, powers, duties, jurisdiction and function of the commission and the authority and duty of its members.

Be It Enacted by the Legislature of Alabama:

Section 1. County Governing Body. The Commission on Government and Finance of Marshall County created by Act No. 294, H. 802, Regular Session 1963 (Acts 1963, p. 755) and as amended by Act No. 415, H. 934, Regular Session 1965 (Acts 1965, p. 604), is abolished and there is created and established in lieu thereof the Marshall County Commission. The Marshall County Commission, hereinafter referred to as the Commission, shall be the governing body of Marshall County, Alabama, and shall have and exercise all of the powers, duties, limitations, and

responsibilities, and in the same manner, its members subject to all the General Laws of Alabama, now in effect, or hereafter enacted governing boards of revenue, courts of county commissioners or other similar governing bodies, so far as they are consistent with the provisions of this act.

Section 2. Composition. The commission shall consist of a Chairman and four (4) associate commissioners who shall each and severally be chosen and possess the qualifications as hereinafter set out.

Section 3. Commission Chairman. The Chairman of the Commission on Government and Finance of Marshall County shall serve as Chairman of the Marshall County Commission and shall hold office until the first Monday after the second Tuesday in January 1979 and until his successor is elected and qualified, and shall receive for his services, payable out of the County Treasury, the sum of \$6,600.00 dollars per year and an additional \$3,000.00 dollars per year for expenses. The commission chairman shall have and exercise all of the powers, duties, limitations, and responsibilities, with relation to the commission as does the Probate Judge with relation to the Courts of County Commissioners, under the General Laws of this State, except in so far as such powers, duties, limitations, and responsibilities may be inconsistent with the provisions of this Act. The chairman of the commission shall have a vote on all questions coming before the commission, shall be its presiding officer, shall sign the minutes of the proceedings of the commission, and shall have the same power and authority as the other members in passing on all questions before the commission. He shall sign and draw all warrants drawn on the county depositories, and all orders for the payment and disbursement of the funds of the county, and shall sign all contracts along with at least two other members entered into by the Commission for and on behalf of the county. The chairman shall prepare business and obtain information for the sessions of the commission, see that all orders thereof are properly issued, supervise the operation of the office, keeping of books and records, the keeping and recording of accurate minutes of each meeting of the commission, and shall have authority to employ such clerical help and assistants as may be necessary for the proper, efficient and economical operation of the office of the commission.

Section 4. Associate Commissioners. The associate members of the Commission on Government and Finance of Marshall County shall serve as Associate Commissioners of the Marshall County Commission and shall hold office until the first Monday after the second Tuesday in January, 1979, and until their successors are elected and qualified. The Associate Commissioner shall each receive as compensation for their services

the sum of \$6,000.00 dollars per year and an additional \$2,400.00 dollars per year for expenses, payable out of the Treasury of Marshall County. The associate members of the Commission shall have and exercise all the powers, duties, limitations, and responsibilities under the General Laws of this State as do boards of revenue, courts of county commissioners or other similar governing bodies so far as these powers, duties, limitations, and responsibilities are consistent with this Act. The associate members of the commission shall maintain an office at the courthouse in Marshall County.

Section 5. Districts Defined. For the purposes of this Act, and for future election of Associate Commissioners, Marshall County is hereby divided into four (4) subdivisions, to be known as Districts, and to be numbered one to four, inclusive: District 1 shall embrace and be composed of voting precincts 1, 12, 14, 15, 21, 25, 26, 27, 29; Districts 2 shall be composed of voting precincts 7, 8, 9, 10, 11, 19, 23, 30; District 3 shall be composed of voting precincts 2, 3, 4, 13, 16, 22, 28; District 4 shall be composed of voting precincts 5, 6, 17, 18, 20, 24.

Section 6. Election of Commission. At the General Election immediately prior to the expiration date of the term of office of each member of the commission, and as is hereinabove provided and every four years thereafter, their successors shall be elected by the qualified voters of the entire county, and the term of office of each member so elected shall be four years, beginning on the first Monday after the second Tuesday in January, following said election, and until his successor has been elected and qualified.

Section 7. Qualifications for Election. Each candidate for election to the commission at the General Election shall be nominated by the voters of the entire county who are authorized to participate in any primary election, caucus, or convention, called or held by any political party for the nomination of said office, and their nomination by the qualified voters of any district, or of any subdivision of said county less than the whole county, by any primary election, caucus, or convention, is hereby prohibited. Each Associate Commissioner shall be a qualified voter and be a resident of the district for which he is elected, and shall reside in said district continuously during his term of office.

Section 8. Vacancies Filled. Each said district of Marshall County shall be entitled to one Associate Commissioner on the commission at all times, and should any vacancy occur, such vacancy shall be filled by appointment of the Governor, and the person so appointed shall hold office for the remainder of the term of the place which is vacant.

Section 9. Commission Members Bonded. Each member of the commission shall, before entering upon the duties of his office, execute a good and sufficient bond, in the same amount; with the same conditions, which must be approved in the same manner, and must qualify in the same manner in all respects, except in so far as the same may be inconsistent with the provisions of this Act, as is provided under the General Laws of the State of Alabama for boards of revenue, courts of County Commissioners or other like governing bodies.

Section 10. Sessions. The commission shall hold regular sessions on the second and fourth Mondays in each month, at the courthouse in and for Marshall County, remaining in session as many days as may be necessary; and may hold special sessions at any time upon the call of the chairman. Action in the name of and under the authority of the commission may be taken by a majority of the commission present and voting at any regular or special session, provided that, at least a quorum is in attendance. A quorum shall consist of the chairman and two other associate commissioners or three associate commissioners.

Section 11. Chief Clerk, Duties. The commission shall employ a chief clerk, who shall devote his entire time to the duties of his office, and shall receive such compensation for his services as may be determined and fixed by the commission. The chief clerk shall enter the minutes of all proceedings of the commission in a well bound book provided him for that purpose, which book shall be kept in the office of the commission, and shall be open to the inspection of the public at all reasonable hours. The minutes of the proceedings of the commission shall be entered and recorded in the minute book within five days from the adjournment of every regular or special session. The chief clerk shall present to the Commission at each regular session a list of all claims which have been filed against the county and shall state each claim separately. The chief clerk shall keep a complete record of all receipts and disbursements of all county funds and must be prepared at all times to show the exact financial condition of the County.

Section 12. Engineer Employed. The commission shall employ a County Engineer, who shall be a thoroughly qualified and competent civil engineer, possessing all the qualifications as specified for County Engineers under the General Laws of the State of Alabama; and he shall devote his entire time and attention to the maintenance and construction of the public roads, highways, bridges, parks, and other public properties of Marshall County; and shall reside in Marshall County during his employment as county engineer. Termination of the employment of the county engineer shall only be made by an affir-

mative vote of four (4) members of the commission at a regular session of the commission and with the approval by a majority vote of the Marshall County Salary Commission.

Section 13. Duties of Engineer. It shall be the duty of the County Engineer, (1) to supervise the maintenance and construction of the public roads, highways, bridges, parks, and other public properties of Marshall County, (2) to perform such engineering and surveying services as may be required, and to prepare and maintain the necessary maps and records, (3) to maintain the necessary accounting records to reflect the cost of the County Highway System, (4) to build, or construct new roads, or change existing roads, but only when ordered to do so by proper order of the commission, (5) in so far as is feasible, to construct all county roads on the basis of the county as a unit, without regard to any district or voting precinct, (6) to make recommendations for the employment of qualified personnel for the efficient performance of his duties as county engineer.

Section 14. Role of County Engineer in Purchasing. The county engineer is hereby designated as the person authorized to make written specifications for an inspection of all materials, machinery, equipment, and supplies purchased by Marshall County for use on public roads, bridges, parks, and other public properties, when the same is delivered, and the same shall not be accepted and paid for without first having been approved by the county engineer.

Section 15. Engineer Bonded. Before entering upon his duties, the county engineer shall make and enter into a surety bond in the amount of \$10,000 dollars, payable to Marshall County, conditioned for the faithful discharge and performance of his duties, and for the faithful accounting of all monies or property of the county, which may come into his possession or custody; said bond to be executed by a surety company authorized and qualified to do business in Alabama; and to be approved by the Chairman of the Commission; the premiums thereon to be paid by the county.

Section 16. Engineer Compensation. The commission shall fix the amount of the salary of the county engineer, payable from the road and highway funds of Marshall County. The commission shall provide the county engineer with an office and the necessary supplies, and shall provide him with the necessary transportation in connection with his duties under this Act.

Section 17. Contingency Fund. The Commission shall have the power, and is hereby authorized to appropriate, out of any monies in the County Treasury, not otherwise appropriated, and to expend not exceeding the sum of \$2,000.00 per annum

for any purposes, not otherwise provided for by law, which in their judgment are worthy and for the best interests of the county, the fund hereby authorized to be designated as the "Contingency Fund." Provided, however, that the expenditures herein provided shall first be authorized by the commission, and spread upon the minutes; and, provided further, that not more than \$2,000.00 shall be appropriated and expended in any one year, under this section, and should any sum or sums remain unexpended in said fund at the end of the year, only so much shall be appropriated for the next succeeding year as well, together with the unexpended sum, being the Contingency Fund to the sum of \$2,000.00.

Section 18. Expenses for Travel on Official Business. The members of the commission shall each be reimbursed actual expenses for travel on official business outside Marshall County. It is provided, however, that each member of the commission shall be furnished at the expense of Marshall County, a low-cost automobile to be used by members of the commission in carrying out their duties of office, which shall not be used for personal business or pleasure.

Section 19. County Highway Program. The commission shall provide for a County Highway Program for Marshall County consistent with the provisions of this Act and shall employ all such assistants as are necessary to properly maintain and construct the public roads, highways, bridges, parks, and other public properties of Marshall County, and shall have authority to prescribe their duties, and to discharge said employees for cause, or when not needed.

Section 20. Equipment Marking Designated. It shall be the duty of the commission to provide for the marking in the manner hereinafter prescribed of all vehicles, except those vehicles furnished for use by each member of the commission as provided in Section 18 of this Act, and all road-building machinery and equipment owned or leased by Marshall County. All such vehicles owned by the county shall be plainly marked in letters not less than three inches high as follows: PROPERTY OF MARSHALL COUNTY—DISTRICT 1, 2, 3, or 4 as the case may be. All such vehicles held by the county under a lease-sale contract or a contract for the rental or hire thereof shall be marked as follows: UNDER LEASE OR RENTAL CONTRACT BY MARSHALL COUNTY—DISTRICT 1, 2, 3 or 4 as the case may be.

Section 21. Annual Inventory of All Property. It shall be the duty of each member of the commission and each department head of Marshall County to file for public record with the commission office a sworn statement and inventory of all equipment, machinery and property of the county in his custody

or under his control before October 1 each year. Such statement and inventory shall be included in the minutes of the first regular session of the commission in October each year.

Section 22. Work Prohibited on Private Property Except in Certain Cases. The use of any county equipment, materials, or supplies or property of any nature in the custody of or under control of the commission for any kind of work, job, or project on property not owned by the county (excepting church grounds, cemeteries, any public school property of the Marshall County Board of Education or city board of education within Marshall County and property owned by organizations composed entirely of U. S. war veterans) or on property outside the county, or the authorization of such work by the commission or by any member of the commission, is strictly prohibited. This Section shall not apply to reciprocal agreements authorized by the commission between Marshall County and any adjoining counties when such agreements are deemed to be in the best interests of Marshall County. Violation of this Section shall result in forfeiture of office and removal by impeachment of such member or members and in addition the forfeiture of the sum of \$5,000.00 to be covered by suit brought by an qualified elector of the county, one-half for use of such elector and one-half for use of the county.

Section 23. Work in Municipalities. No work shall be authorized or performed by the commission or any member of the commission for any municipality of the county (except for municipal school boards as provided in Section 22) having a population of more than 750 persons, requiring the use of county equipment, materials, supplies or labor, unless such work is first authorized pursuant to a written contract between the municipality and the commission under which the municipality agrees to pay the full cost of labor, materials, and supplies used in such work. Any contract so agreed upon must be approved at a regular session of the commission and signed by a majority of the commission including the chairman.

Chert, dirt or gravel taken from county-owned property or leased property may be loaded by county equipment and sold to municipalities, licensed contractors, and individuals, and charges for the material shall be made at current market rates in addition to current market rates for the loading. Detailed and accurate records of such work and such sales shall be kept by the commission and open for public inspection at all reasonable hours.

Section 24. Annual Budgets. It shall be the duty of the commission at some session in September of each calendar year, or not later than their first session in October following, to prepare and adopt an estimate of the income of the county for

the fiscal year beginning on October first of the current calendar year, for all public funds under their supervision and control; and to estimate for the same fiscal year the expense of operations, and to appropriate for the various purposes the respective amounts that are to be used for each of such purposes. Provided, the appropriations so made shall not exceed the estimated total income of the county available for appropriations. It shall be the duty of every county official who is authorized by law to purchase supplies for the use of his office, to prepare and submit to the commission at or before the session of the commission at which the county budget is adopted, an estimate of the amount necessary to be spent by him for office supplies during the following fiscal year. The commission shall examine into such estimates and pass upon them, allowing therefor such amounts as the commission may seem to be proper for the purpose mentioned herein. And no obligation incurred by such officer over and above the amount approved by the commission and appropriated therefor shall be an obligation of the county, except to the extent therefor approved by the commission.

Section 25. Public Hearing Required for Issuance of Tax Anticipation Warrants. The commission shall not issue any tax anticipation warrants, revenue bonds or other evidences of temporary loans until a public hearing relative to the issuance thereof has been held. Notice of each hearing must be given by publication in a newspaper published in Marshall County at least seven days prior to the public hearing.

Section 26. Purchasing. a) No warrant shall be issued or check drawn on the county treasury or county depository by any person except the chairman of the commission, or such other officers as may be designated by the commission unless otherwise provided by law; and officers who are authorized to pay claims which have not been first approved by the commission, shall issue orders for warrants or checks which must be presented to the officer so authorized to issue warrants payable out of the county treasury or county depository.

b) Purchase orders shall be made by a requisition from the respective county department head or associate commissioner and said requisition order shall show the description, use, need and approximate cost for the article, machinery, equipment, services or materials of every kind to be purchased.

c) Every officer, agent, and department of the county in need of materials, equipment, supplies, and services of any kind for which the county is chargeable shall make requisition upon the commission or its designated officer, one or both, before obtaining the same. All purchases made for supplies, goods, services, merchandise and materials of every kind for use of the county and which may be lawfully paid out of the

county treasury or county depository, shall be first asserted to, made or allowed, by the commission or designated officer or agent, either one or both.

d) The commission may promulgate reasonable rules and regulations in complying with the provisions of this Act for the acquisition of supplies, materials, equipment and supplies.

e) Purchases of materials and supplies not allocated in the county budget or for materials and supplies in excess of the allocated budget shall be approved by the commission.

f) Any other sections or subsections of this act to the contrary, notwithstanding, the purchase of materials, equipment, and supplies exceeding \$500.00 shall be approved by the commission.

g) All purchase shall comply with the state bid law applying to county governing bodies.

Section 27. Purchasing of Used Equipment Prohibited.
No used or secondhand trucks or road machinery shall be purchased for the county, nor shall any purchase be made or any contract of sale or lease-sale or for the leasing, renting or hiring of any vehicles or other equipment be entered into unless the contractor certifies that the sale price or the hire or rental fee, as the case may be, charged Marshall County will not exceed the like charge made by him to other counties for like equipment, or its use, during the year in which the contract with Marshall County is made. If any such seller or lessor, during such period sells or leases any like equipment to another county, then Marshall County shall be entitled to be reimbursed the difference between the price it paid for such equipment or its use and the lowest charge made to another county by such seller or lessor for like equipment or its use: and in addition thereto to punitive damages in the sum of \$1,000, all of which may be recovered by the county in a proper action at law. Any dealer or seller who sells trucks, tractors, or any road building machinery or equipment to Marshall County representing the same to be new, when, in fact, it is used or secondhand equipment shall be guilty of fraud, and, in addition to being subject to the penalty prescribed therefor by law, shall also be liable to the county for any damages caused by delays in work because of the fact that such trucks, tractors or other machinery or equipment was not new and shall also reimburse the county for the whole or any part of the purchase price paid by the county therefor. If there is a balance due on the purchase price when the fraud is discovered the county shall not be liable for the payment thereof, and may retain such truck, tractor or other machinery and equipment until it is reimbursed the part of the purchase price theretofore paid and reimbursed

for the damages for which such seller or dealer is liable under the above provisions of this section because of the fraud.

Section 28. Competitive Bid Procedures. The commission shall comply with the State bid law applying to county governing bodies and any other sections of this act applying to competitive bid procedures and in addition, the commission shall furnish to a newspaper published in Marshall County, to be published therein as a legal advertisement paid for at the usual rate by the County, a notice or advertisement stating that sealed bids will be received on a specified date at the office of the commission for the article or articles or services described in the order of the commission. The notice shall also state that complete specifications and description of the article or articles or service or services to be purchased are available at the office of the commission or on the bulletin board outside the commissioners' office. In sending such advertisements to the newspapers the commission shall take care that each newspaper published in the county gets a fair share of publishing of such notices and to this end a system of rotation shall be established whereby all newspapers published in the county will be patronized. At the expiration of the time for receiving bids, the chairman shall deliver all sealed bids unopened to the commission at its next session, and thereupon the commission shall open the bids and award the purchase to the lowest responsible bidder and order the chairman to issue a purchase order thereon; or, the commission may reject all bids and invite new bids in the manner herein provided. The names of all bidders, the amounts bid, a complete description or itemization of items bid on, and the terms of the bid shall be listed and released as information for publication to all county newspapers. Neither the chairman nor the commission shall have authority to accept any bid unless at the time of accepting the same the county has funds on hand sufficient to pay for the same.

Section 29. Lease-sale, Rental Contracts. All lease-sale contracts and contracts for the rental or hire of materials, equipment, supplies, and services of any kind shall be in accordance with the State bid law applying to county governing bodies and sections 26, 27, and 28 of this act, and such contracts shall not be made unless authorized by resolution or order of the commission made at a regular session of the commission. Any and all lease-sale contracts, or contracts for the rental or hire of any such property, not made in conformity with the provisions of this act shall be null and void; and it shall be unlawful for a warrant to be issued in payment thereof.

Section 30. Contracting for the Purchase of Expendable Items. Expendable materials and supplies including gasoline,

fuel, oil, tires, pipe, food for county prisoners, any or all of them may be purchased as provided in Section 26 of this act, or the commission may enter into contracts for the purchase of the same, which contracts shall contain such terms as the commission may desire, provided that bids for such contracts shall be in conformance with Section 28 of this act. The commission may make one or several contracts for the purchase of said articles for concurrent terms and the members of the commission using or desiring any of such items may order the same from any person with whom the county has entered into a contract for the purchase of the same.

Section 31. Emergency Purchasing. Each member of the commission shall have emergency purchasing authority as follows:

a) Emergency purchase shall be restricted to equipment repair, parts and supplies where needed equipment is idle because of lack of such parts and supplies, and items required to alleviate dangerous traffic conditions or other conditions constituting a danger to the public. Such purchases shall not exceed the sum of \$500.00 in any instance.

b) When an emergency purchase is made, a requisition shall be prepared immediately in duplicate. The original and duplicate requisition shall be forwarded to the office of the Commission on the day that the emergency purchase and requisition are completed, showing the name of the person or firm from which purchase is made and the office of the commission shall issue a confirming purchase order for the emergency purchase. The commissioner shall specify on the requisition the reason and cause thereof for such emergency purchase. The emergency purchase requisition shall be signed by the member of the commission requiring same.

Section 32. Previous Purchases Validated. All purchases made by the commission prior to the effective date of this act are hereby validated and confirmed.

Section 33. All laws or parts of laws which conflict with this act are hereby repealed.

Section 34. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 35. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 634

H. 131—Manley, Owens, Plaster, Crowe,
Lockett, Campbell, Whatley,
McMillan, Pegues, Crawford,
Baker, Kelley, Carothers,
Edwards, Drake, Folmar,
White, Gafford, Barron, Harris,
Cross, Warren, Smith (C),
Killian, Brindley, Turnham,
Mitchem

AN ACT

To designate the Alabama Historical Commission as the agency responsible for retaining the historic and architectural integrity of the State Capitol, a National Historic Landmark.

Be It Enacted by the Legislature of Alabama:

Section 1. The primary restoration, planning and preservation responsibility for the State Capitol of Alabama, and its contiguous historic grounds, designated by the United States Government as a National Historic Landmark, is hereby delegated to the Alabama Historical Commission.

Section 2. The Alabama Historical Commission is instructed to protect the historic and architectural integrity of this Historic Greek Revival masterpiece which served as the first Capitol of the Confederacy in 1861 and has served as the Capitol of Alabama for more than 120 years.

Section 3. The State of Alabama agencies charged with architectural, engineering, maintenance and alteration responsibilities for the State Capitol will submit plans and specifications to the Alabama Historical Commission who shall review them for the retention of the historic merit and architectural integrity of the landmark prior to any adaptive or construction activities.

Section 4. The State Capitol Preservation Commission is hereby redesignated the State Capitol Advisory Committee and shall advise the Alabama Historical Commission regarding the restoration and preservation of the State Capitol.

Section 5. Nothing in this act shall be construed as to supersede any authority of the State Building Commission and, if so, that portion is expressly repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 635

H. 1290—Mitchem, Kelley

AN ACT

Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; authorizing the sheriff of any such county to appoint certain additional employees and providing for their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census.

Section 2. The sheriff of any such county is hereby authorized to appoint two additional deputies, one additional assistant investigator and one additional clerk. Their salaries and allowances shall be the same as those presently employed in such classifications and shall be paid out of the general fund of the county.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 25, 1976.

Time: 5:30 P.M.

Act No. 636

S. 458—Wilson

AN ACT

Relating to counties having populations of not less than 55,500 nor more than 56,500, according to the 1970 or any subsequent federal decennial census; to provide for an expense allowance for the coronor in such counties; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 55,500 nor more than 56,500, according to the 1970 or any

subsequent federal decennial census, the coronor shall be entitled to an expense allowance not to exceed one hundred twenty-five dollars (\$125.00) per month. Such allowance shall be in addition to any other compensation or allowances prescribed by law for such sheriffs, and shall be payable from the general fund controlled by the county commission.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall take effect on the first day of the month following its enactment.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 637

H. 53—Drake

AN ACT

Relating to state and county prisoners; to authorize the establishment of a joint state-county work-release program in any county of the state; to provide rules for establishment and operation of the program; to vest rule-making and administrative power in the board of corrections and county governing bodies; to provide for the disposition of inmates' wages; to authorize pass or leave programs; to provide for assignment and transfer of state prisoners for purposes of participation in the program; and to provide penalties for violation.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act the following words and terms have the meanings hereby ascribed to them: "County inmate" means a person convicted of a crime and sentenced to a term of confinement of one year's duration or less; "state inmate" means a person convicted of a crime and sentenced to a term of confinement of more than one year's duration; "board" means the state board of corrections.

Section 2. There is hereby authorized, in each county of the state, a work-release program for county inmates and state inmates in custody of the county. Such program may be established at the option of the county in accordance with the provisions of this act. The state board of corrections is authorized to contract with the county concerning the costs of maintenance of state inmates in the program. The board may also promulgate rules and regulations concerning state inmates participating in the program the observance of which may be a condition to such participation.

Section 3. Each county electing to establish a work-release program under this act is authorized to adopt regulations and policies for extending the limits of the place of confinement of an inmate as to whom there is reasonable cause to believe he will know his trust, by authorizing him, under prescribed conditions, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to work at paid employment, while continuing as an inmate of the institution or facility in which he shall be confined except during the hours of his employment or seeking employment and traveling thereto and therefrom. A state inmate approved by the board for participation in a work-release program established under this act shall be initially assigned to the county of his choice if such county has established a program hereunder and if such program can practically accommodate the inmate in view of the number of participants already in the program and the availability of housing and paid employment opportunities for which the inmate is suited. Subsequent transfer requests must be approved by the board. The board may transfer a state inmate on its own motion upon written statement of good cause given to the inmate. Provided, however, the sentencing judge or prosecuting attorney of the county in which an inmate was convicted may protest the participation of the inmate in a work-release program in that county. Such protests may be made in the same manner as protests of paroles.

Section 4. Any county establishing a work-release program pursuant to this act may also establish a work-release camp to be used in carrying out the program, wherein inmates participating in the program may be housed in lieu of confinement in the county jail.

Section 5. The employer of an inmate involved in work-release pursuant to this act shall send the inmate's wages directly to the county or its designated agent. Of each inmate's earnings, 25% of his gross wages shall be applied to the costs incident to the inmate's confinement. If the cost of confinement of a state inmate, as agreed upon in the maintenance contract authorized in Section 2 hereof, exceeds 25% of his gross wages, the board shall pay the difference to the county. The remainder of the inmate's wages shall be credited to his account with the county and shall be paid out as the inmate requests to furnish his clothing, medical and dental care, spending money, savings or dependent support.

Section 6. The willful failure of an inmate to remain within the extended limits of his confinement or to return to the place of confinement within the time prescribed shall be deemed an escape from a state penal institution in the case of a state inmate, and an escape from the custody of the sheriff

in the case of a county inmate, and shall be punishable accordingly.

Section 7. Employees of the board and the county are authorized to make investigations and recommendations pertaining to the validity of requests for visits or job opportunities for their respective inmates and to otherwise assist the board or county in the implementation of the program herein authorized.

Section 8. The board and the county shall endeavor to secure employment for eligible inmates under this act, subject to the following:

(1) such employment must be at a wage at least as high as the prevailing wage for similar work in the area or community where the work is performed and in accordance with the prevailing working conditions in such an area;

(2) such employment shall not result in the displacement of employed workers;

(3) inmates eligible for work release shall not be employed as strikebreakers or in impairing any existing contracts;

(4) exploitation of eligible prisoners, in any form, is prohibited either as it might affect the community, the inmates, the board or the county.

Section 9. County inmates employed under this act shall be eligible for good time credit in the same manner as other inmates confined or detained in the county jail or other county correctional facility. State inmates so employed shall be eligible for good time credit in the same manner as other inmates confined or detained in state prisons or other state correctional facilities.

Section 10. The county, in the case of county inmates, and the board, in the case of state inmates, may institute a procedure for granting passes and leaves to inmates participating in work-release under this act, and may grant such passes or leaves in deserving cases.

Section 11. No inmate granted privileges under the provisions of this act shall be deemed to be an agent, employee, or involuntary servant of the board, state, or county, while involved in the free community or while going to and from employment, or other specified areas.

Section 12. The county commission may designate any officer or employee of the county to do and perform for the county any act or function this act empowers the county to do or perform; provided, however, no elected official of the county

shall be designated to do or perform any act or function for the county unless such elected officer is agreeable to being so designated.

The board of corrections may designate any employee of the board to do and perform for the board any act or function this act empowers the board to do or perform.

Section 13. The State of Alabama and any county are hereby authorized to become employers of work-release inmates under this act, and as such may employ inmates to perform any state or county job available, including but not limited to road or bridge work, garbage collection and school grounds maintenance. Inmates employed under this section shall be paid the federally established minimum wage.

Section 14. Anyone violating any of the provisions of this act shall be guilty of a misdemeanor.

Section 15. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16. The provisions of this act are cumulative and shall not be construed to repeal or supersede any laws not directly inconsistent herewith; and it is specifically provided herein that any work-release program in operation or functioning pursuant to any local law when this act becomes law may be continued pursuant to such local law and shall not be affected in any way by this act. The county conducting such program may, however, at its option convert the program to a program to be governed by this act.

Section 17. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 638

H. 234—Hines, Morris, Mitchem, Rich, Owens, Taylor, Ford, Hill, Brindley, Cross, Kinsey, McMillan, McCulley, Warren, Malone, Folmar, Robertson, Martin, White, Killian, Smith (M), McCluskey, Lee, Campbell, Clark

AN ACT

Requiring that each parolee and probationer pay a portion of his monthly net earned income into the general fund of the state to offset the cost of his supervision and rehabilitation, excepting those cases determined by the board of pardons and parole to cause a hardship.

Be It Enacted by the Legislature of Alabama:

Section 1. Except in those cases determined by the board of pardons and parole to cause a hardship, any person who is placed on parole by the Board of Pardons and Paroles, or any person who is granted probation by a Court of competent jurisdiction and who is subject to supervision by the Board of Pardons and Paroles, except those persons transferred to or from other states under the provisions of the Interstate Compact for the Supervision of parolees and probationers, and who is gainfully employed shall be required to contribute ten dollars (\$10.00) per month toward the cost of his supervision and rehabilitation beginning thirty days from the date he is employed. Such sum shall be deducted by the parolee or probationer from his monthly net earned income and shall be delivered to the Board of Pardons and Paroles on or before the fifth day of each month for deposit in the general funds of the state treasury on or before the tenth day of each month. By prior agreement between an employer and employee, an employer may deduct such ten dollars (\$10.00) from the monthly net earned income of the parolee or probationer and remit such amount to the Board of Pardons and Paroles by the fifth day of each month. The responsibility of assuring such contribution shall remain that of the parolee or probationer. In the event of over two months arrearage or delinquency in making such contribution, such arrearage or delinquency shall constitute sufficient ground for revocation of the parole or probation of the person in arrears.

Section 2. The amount of contribution of each parolee and probationer of his monthly net earned income shall be excluded from the person's taxable income for the purpose of determining such persons state income tax liability.

Section 3. A parolee or probationer authorized to work at paid employment in the community under the provisions of this Act shall comply with all rules and regulations promulgated by the Board of Pardons and Paroles.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 639

H. 434—Moore (W)

AN ACT

Relating to Madison County, authorizing the county governing body to pay Mr. Stanley Stafford of Madison County, Alabama up to the sum of \$25,033.65 in full settlement as compensation for personal injuries of Mr. Stafford pursuant to a motor vehicle collision which occurred on December 13, 1973 in Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1. Whereas, Mr. Stanley Stafford of Madison County claims he has sustained personal injuries resulting from a motor vehicle collision between a vehicle being driven by the said Stanley Stafford and a vehicle owned by Madison County and at the time of the collision being operated by an employee of Madison County acting within the line and scope of his employment as an employee of Madison County, which said collision occurred on December 13, 1973 in Madison County, Alabama on Alabama Highway #1, U. S. Highway #231 - 431 between Steger Road and Walker Lane, and,

Whereas, the County employee who was operating said vehicle could possibly be subjected to a civil judgment for a large sum of money which could be greatly in excess of the amount of the proposed settlement, and,

Whereas, it is in the public interest that Madison County be allowed to afford protection for said county employee who would be otherwise uninsured, and,

Whereas, Mr. Stafford was caused to incur medical expenses in excess of \$20,000.00 and whereas the above settlement would be a just and moral obligation of Madison County.

Section 2. The county governing body of Madison County is hereby authorized, upon investigation of and verification of the issue of possible liability of the county employees and verification of the substantial damages and injuries to Mr. Stafford to pay to Mr. Stafford an amount up to the sum of \$25,033.65 in full settlement of all claims arising out of the said collision.

Said amount shall be paid only upon execution by Mr. Stafford of a full release of Madison County and any Madison County employees from any further claim arising out of said collision.

Section 3. The provisions of this act are severable if any part of the act is declared invalid or unconstitutional. Such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 640

H. 574—Baker, Higginbotham, Crawford,
Sasser, Carothers, Whatley,
Smith (M), Smith (J)

AN ACT

To amend Section 2 and 3 of Act No. 25, H. 34, 1970 Special Session (Acts of 1970, p. 2623) entitled "An Act Establishing the Historic Chattahoochee Commission as a state agency to identify, acquire, own, transport, renovate, maintain, and exhibit historic or military articles, exhibits and attractions; prescribing the authority, powers, duties and functions of the commission and its members, officers and committees; and making an appropriation therefor", so as to change the number and manner of appointment of members of the commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 and 3 of Act No. 25, H. 34, 1970 Special Session (Acts of 1970, p. 2623) is hereby amended to read as follows:

"Section 2. The commission created herein shall consist of fourteen members who shall be appointed by the historical commission or organization or similar historical body in each county who shall be bona fide residents and qualified voters of this state, of whom two shall be residents of Barbour County, two shall be residents of Russell County, two shall be residents of Henry County, two shall be residents of Chambers County, two shall be residents of Lee County, two shall be residents of Houston County, and two shall be residents of Dale County. If there are two historical organizations in any of said counties, then one commission member shall be selected from each organization; if there are more than two organizations in any

such county, then the organizations shall meet and decide on the designation of members which will represent their respective county. In addition, the Commission at its discretion may appoint as many advisory members as it deems necessary from any Georgia or Alabama county which is located in the Chattahoochee Valley area. Voting members from Georgia counties can be placed on the committee by the commission as herein provided. Any Georgia county must contribute an amount equal to one-eleventh (1/11) of that amount which was appropriated from the State of Alabama treasury for the preceding Alabama fiscal year to be eligible for consideration by the commission for a voting membership. The commission may consider contributions from the State of Georgia or any political subdivision thereof, individuals, organizations, associations or any other source in determining the said one-eleventh contribution. Members of the commission shall serve for terms of office as follows: of the fourteen Alabama voting members, one from each of said counties shall serve for two years and the remaining member of each such county shall serve for four years. The member appointed by the older organization of each county shall serve for the four-year term for the initial term established by this amendatory act. Upon the expiration of the original terms of office of Alabama members, all successor Alabama voting members shall be appointed for four-year terms of office, with seven vacancies in the Alabama voting membership occurring every two years. All Georgia voting members shall serve for terms of four years, commencing upon their various appointments by the commission.

"All members and advisory members shall serve until their successors are appointed and qualified, but any Alabama member may be removed by the Attorney General for sufficient cause, and any Georgia member may be removed by the commission. Vacancies shall be filled by the members of the commission. The first chairman of the reorganized commission shall be elected by the board of directors of the commission from among its voting membership. Annually thereafter, each succeeding chairman shall be selected by the members of the commission. Members of the commission shall serve without compensation but shall be entitled to reimbursement for actual expenses incurred in the performance of the duties of the commission.

"No Georgia county shall have more than one voting member per county."

"Section 3. The headquarters of the commission shall be selected by the Commission and shall be centrally located in an Alabama region of the Chattahoochee Valley area. Such headquarters shall be consistent with the legitimate need of the

commission. The commission shall hold an annual meeting at the commission headquarters and one-half of the then members of the commission shall constitute a quorum for the transaction of business. Additional meetings may be held at such times and places within the State of Alabama as may be considered necessary, desirable or convenient, upon call of the chairman, or, in the case of his absence or incapacity, of the vice chairman, or, on call of any three members of the commission. However, by 4/5 vote of the commission, such meetings may be held outside of the State of Alabama. The commission shall determine and establish its own organization and procedure in accordance with the provisions of this act and shall have an official seal. The commission shall elect its chairman, its vice chairman, its secretary and its treasurer, and such officers shall hold office for a period of one year or until a successor is elected. Neither the secretary nor the treasurer need be members of the commission. The commission may require that the treasurer thereof be bonded in an amount to be determined by the commission."

"The chairman of the restructured Historic Chattahoochee Commission shall serve as an ex officio policy making member of the Alabama Historical Commission."

Section 2. The provisions of this act shall become effective beginning fiscal year 1977.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 641

H. 667—Pegues, White, Cooper, Manley,
Killian, Falkenburg, Smith (B)

AN ACT

Relating to eligibility requirements for medical assistance from the State of Alabama including but not limited to nursing home patients; imposing criminal penalties for anyone who divests himself or initiates, procures, induces, aids, abets, or advises another to divest himself of assets for the purpose of meeting eligibility requirements for medical assistance.

Be It Enacted by the Legislature of Alabama:

Section 1. Any applicant for medical assistance, including but not limited to nursing home patients, under the medicaid program who has assigned or transferred assets for the purpose of meeting eligibility requirements during the one (1) year before filing application for medical assistance, which results in a loss of a resource that would have been available to meet medical expenses, shall be found ineligible.

Section 2. Any applicant who assigns or transfers assets or anyone who initiates, procures, induces, aids, abets, or advises another to assign or transfer assets for the purpose of meeting eligibility requirements for medical assistance shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 and/or imprisonment of not longer than six (6) months.

Section 3. In determining whether or not the transfer was for the purpose of meeting eligibility requirements, the following factors shall be considered:

- (1) The reason for the transfer,
- (2) The amount received in relation to the person's full equity,
- (3) Whether or not the proceeds were used for reasonable living expenses or medical expenses before application.
- (4) Competency of the applicant/recipient at the time of the transfer.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions hereof shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 642

H. 687—Lee

AN ACT

Relating to counties having populations of not less than 115,000 nor more than 150,000, according to the 1970 or any subsequent federal decennial census; to fix the salaries of the chairman and associate members of the county governing body of any county to which this act applies and of the mayor and each associate commissioner of the municipal governing body of the largest municipality therein; and to prescribe the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to counties having populations of not less than 115,000 nor more than 150,000 inhabitants, according to the 1970 or any subsequent federal decennial census and to the largest municipality in any such county.

Section 2. In every county to which this act applies the judge of probate who is ex officio the chairman of the county commission and each of the associate members of such county governing body shall be compensated as follows:

judge of probate\$ 25,000.00 per annum
 each associate county
 commissioner 9,600.00 per annum

The salaries herein prescribed shall be payable in equal monthly installments out of the county treasury, and as to the associate commissioners shall be in lieu of all other salaries and expenses heretofore allowed; however as to the judge of probate such salaries shall be in addition to any and all other fees allowed to such officer by law, but in lieu of any salary heretofore prescribed for such officer.

Section 3. In all cities to which this act applies where a commission form of government is used, the mayor and each associate commissioner of the city governing body shall be compensated as follows:

mayor\$ 25,000.00 per annum
 each associate commissioner 9,600.00 per annum

The salaries herein prescribed shall be payable in equal monthly installments from the city treasury, and shall be in lieu of all other salaries and expenses heretofore allowed by law.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective as to the compensation of the members of the city governing body of any city to which this act applies on the first day of the next new term of office for the mayor of such city which begins after this act becomes law or after this act becomes effective in such city, whichever occurs first, and as to the members of the county governing body this act shall become effective immediately after the expiration of the term or terms of office of the member or members of such governing body whose term or terms first expire after this act becomes law or after this act becomes effective in any such county.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 643

H. 953—Callahan

AN ACT

Relating to counties having populations of not less than 300,000 nor more than 500,000; according to the last or any subsequent federal decennial census and to regulate the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 300,000 nor more than 500,000, according to the last or any subsequent federal decennial census, the compensation of the clerk of any inferior State or County Court now having two judges may be compensated on a salary basis. Said clerk may be paid a salary of \$16,750.00 (Sixteen thousand seven hundred and fifty) dollars per annum. Such salary may be paid in the same manner and at the same time as salaries are paid to the judges of said Court.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective 10/1/76 or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 644

H. 958—McCulley

AN ACT

Appropriating \$500 from the Alabama forestry commission fund for the relief of McKinley Chestang.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$500 is hereby appropriated from the Alabama forestry commission fund for the relief of McKinley Chestang to compensate him for personal injuries he received on September 11, 1973 while working for the Alabama Forestry Commission. His claim before the board of adjustments having been turned down because it was filed after a year had passed since the injury, the Legislature finds that the injuries sustained by him occurred under such circumstances that the state is justly and morally compelled to pay, but the claimant has no recourse at law to recover.

Section 2. The state comptroller is hereby authorized and directed to draw a warrant in favor of Mr. McKinley Chestang for the amount herein appropriated.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 645 H. 982—Killian, White, Moore (W), Pegues,
Falkenburg, Cooper

AN ACT

To make it a felony to falsify any claim or application for payment or benefits from Medical Services Administration, and providing penalties for the violation thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who:

(a) With intent to defraud or deceive makes, or causes to be made, any false statement or representation of a material fact in any claim or application for any payment, regardless of amount from Medical Services Administration, knowing the same to be false, or

(b) With intent to defraud or deceive makes, or causes to be made, any false statement or representation of a material fact in any claim or application for Medical benefits from Medical Services Administration, knowing the same to be false; shall be guilty of a felony and upon conviction thereof shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not less than one (1) nor more than five (5) years.

Section 2. Any two or more offenses in violation of the preceding section may be charged in the same indictment in separate counts for each offense and such offense shall be tried together, with separate sentences being imposed for each offense of which defendant is found guilty.

Section 3. If any section of this Act is for any reason held or declared by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remaining sections, and it shall be construed to have been the legislative intent to pass this Act without such unconstitutional, inoperative, or void part or parts thereof, and the remainder of this Act, after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included herein.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 646

H. 1107—Smith (J)

AN ACT

To change the method of compensating the probate judge of Geneva County, placing such officer on a salary basis, providing for the operation of his office on such basis, and providing that certain fees, commissions, percentages and allowances provided the probate judge under the general law shall be paid into the county treasury; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge of Geneva County shall be compensated, except as hereinafter provided, on a salary basis. His salary shall be \$18,000 per annum payable in equal monthly installments out of the general fund of the county, and shall be in lieu of all fees, commissions, and charges heretofore paid to such judge, except that he may continue to draw the compensation and expense prescribed by law for his serving as chairman of the county commission or other like governing body of the county.

Section 2. The fees, commissions, percentages, and allowances provided such probate judge under the general law shall continue to be collected by said judge and shall be paid by him into the general fund of Geneva County. The salary provided in Section 1 of this act shall be his entire compensation for the performance of his duties as such judge or for the performance of any ex officio duties, except such duties as arise in connection with his serving as a member and chairman of the county commission or other like county governing body, imposed upon him by law.

Section 3. The governing body of Geneva County shall provide the probate judge with such office personnel, clerks, deputies, and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as are necessary for the proper and efficient conduct of his office. The number and selection of any personnel so provided shall be fixed by the Probate Judge, with the consent of the governing body, and shall be paid in equal monthly installments out of the general fund of the county. The office of the Probate Judge shall be

in the County Courthouse and shall be located on the main floor thereof.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective at the expiration of the term of the incumbent judge of probate of Geneva County, and upon the ratification of an amendment to the Constitution of Alabama authorizing the Legislature to enact laws regulating the compensation of such officer. If no such constitutional amendment is ratified, then this Act shall have no effect.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 647

H. 1213—Martin, Roberts, Cross, Drake

AN ACT

To provide further for the operation of the board of registrars in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Morgan County shall employ a member of the board of registrars who shall serve at the office of the board of registrars at all times that the courthouse of Morgan County is open. Such member shall receive applications made to the board of registrars and shall be paid a salary to be set by the governing body of Morgan County.

Section 2. The chairman of the Morgan County board of registrars is authorized to work the number of days now prescribed by law and in addition shall be entitled to work one hundred and forty days each year, as deemed necessary and directed by the board of registrars.

Section 3. The chairman of the Morgan County board of registrars who serves pursuant to the provisions of this act shall be entitled to receive the same compensation for each day's service as he is entitled to receive for a day on which he meets with the full board.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 6. The provisions of this act shall terminate on May 1, 1977, and this act shall become null and void on said date.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 648

S. 457—Wilson

AN ACT

Relating to counties having populations of not less than 55,500 nor more than 56,500, according to the 1970 or any subsequent federal decennial census; to provide for an expense allowance for the sheriff in such counties; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 55,500 nor more than 56,500, according to the 1970 or any subsequent federal decennial census, the sheriff shall be entitled to an expense allowance not to exceed one hundred fifty dollars (\$150.00) per month. Such allowance shall be in addition to any other compensation or allowances prescribed by law for such sheriffs, and shall be payable from the general fund controlled by the county commission.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall take effect on the first day of the month following its enactment.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 649

S. 459—Wilson

AN ACT

Relating to counties having populations of not less than 55,500 nor more than 56,500, according to the 1970 or any subsequent federal decennial census; to provide for the compensation of circuit court bailiffs in such counties; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 55,500 nor more than 56,500, according to the 1970 or any subsequent federal decennial census, the county governing body is hereby authorized and directed to pay each bailiff appointed by a circuit judge in any such county, a salary of fifteen dollars (\$15.00) per day for each working day. Such compensation shall be payable from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall take effect on the first day of the month following its enactment.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 650

S. 463—Mitchell

AN ACT

To provide further for the compensation of the judge of the district court having jurisdiction of Crenshaw County; to authorize and empower, but not to require, the county commission or other governing body of Crenshaw County to pay to such judge a supplemental salary.

Be It Enacted by the Legislature of Alabama:

Section 1. The Crenshaw County Commission, or other like governing body of Crenshaw County is hereby authorized and empowered, but not required, in addition to the salary paid by the state, to pay a supplemental salary to the judge of the district court having jurisdiction of Crenshaw County. The amount of such supplemental salary shall be determined by the county governing body and such salary shall be paid out of the general fund of the county, or any other funds available therefor, in equal monthly installments as the salaries of other county employees are paid. Such supplemental salary shall be in addition to any salary, compensation, allowances and expenses paid such judge by the state, but shall be the only compensation paid him by the county.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 651

S. 524—Roberts

AN ACT

Relating to the coroner of any county in this state having a population of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent federal decennial census; providing for the qualifications, election, compensation, and duties of the coroner; providing for two assistants to the coroner; and providing for the appointment of subsequent coroners by the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent federal decennial census a coroner shall be elected by the qualified voters thereof who shall hold office for a term of four years from the first Monday after the second Tuesday in January next after his election and until his successor is elected and qualified.

Section 2. It shall be a necessary qualification that such person as may be elected to the office of coroner in any such county shall be learned in medicine and surgery and be a qualified pathologist as shall his assistants.

Section 3. The duties of such coroner shall be the same as are now prescribed by law and in addition thereto such duties as are hereinafter set forth.

Section 4. The coroner shall receive for his compensation the sum of six thousand dollars (\$6,000.00) per year payable monthly in equal monthly installments by the county treasurer out of the general fund of the county treasury or by the person or corporation acting in the place of the treasurer. He shall receive in addition to the compensation above an annual sum of five hundred dollars (\$500.00) payable at the end of each year by the county treasurer out of the general fund of the county treasury or by the person or corporation acting in the place of treasurer.

Section 5. The coroner may have two assistants to assist him in the performance of his duties and the compensation of each of said assistants shall be three thousand dollars

(\$3,000.00) per year which compensation shall be paid in the same manner as the coroner is paid out of the general fund of the county treasury.

Section 6. The coroner may delegate and authorize his assistants to hold inquests and to perform any and all other duties of such coroner as fully as he could do.

Section 7. In case of death due to violence it shall be the duty of the coroner when he deems it necessary to hold an inquest and inquire into the cause of death and in holding such inquest he may impanel a jury consisting of six (6) householders to decide and to determine the cause of death according to the facts and evidence testified to at said inquest.

Section 8. It shall be the duty of the sheriff of any such county to execute any and all processes directed to him by the coroner in the discharge of his official duties.

Section 9. The coroner may punish anyone guilty of contempt by interfering with or unduly disturbing any inquest proceeding by a fine of not more than ten dollars for each such contempt, or by imprisonment in the county jail for not over six hours, or both.

Section 10. The coroner shall have the right and the power to perform any and all autopsies upon the bodies of persons who have died by violence in order to ascertain the cause of death.

Section 11. The coroner elected at the general election held in November 1976 shall serve the term for which he is elected and thereafter the coroner shall be appointed by the governing body of the county who shall fix the term of office and the compensation of the coroner and his assistants; provided, however, all other provisions of this act shall remain in force and effect.

Section 12. All laws or parts of laws which conflict with this act are hereby repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 652

S. 526—Wilson

AN ACT

Relating to counties having a population of not less than 55,500

nor more than 56,500 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. If a defendant in a criminal case pending in a court of competent jurisdiction shall enter a written plea of not guilty at any time prior to the day of his arraignment such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or at which he is represented by an attorney.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 653

S. 560—Noonan

AN ACT

To repeal certain sections of Act No. 2318, S. 1268, Regular Session 1971 (Acts of Alabama 1971, Vol. V, p. 3740), an Act providing for funds for maintenance, operation and expansion of county mosquito, rodent and other vector control programs within county health departments in counties having populations of not less than 300,000 nor more than 600,000, which sections relate to the levy of a one mill ad valorem tax and an election thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 3, 4 and 7 of Act No. 2318, S. 1268, Regular Session 1971 (Acts of Alabama 1971, Vol. V, p. 3740), entitled "An Act To provide for funds for maintenance, operation and expansion of county mosquito, rodent and other vector control programs within the county health department under the direction of the county health officer in all counties having populations of not less than 300,000 nor more than 600,000, according to the most recent federal decennial census, requiring financing by a one (1) mill property tax," are hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 654

S. 647—Fine

AN ACT

Amending Act No. 494, S. 927 of the 1971 Regular Session (Acts 1971, Vol. II, p. 1207), relating to the issuance of pistol permits by the sheriffs in all counties having populations of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census, so as to increase the fee and provide for the distribution and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 494, S. 927 of the 1971 Regular Session (Acts 1971, Vol. II, p. 1207) is hereby amended to read as follows:

“Section 1. In all counties having populations of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be \$10.00, which shall be collected by the sheriff of such county and deposited in the county treasury. The county shall retain five dollars (\$5.00) for the county general fund and five dollars (\$5.00) shall be designated for the operation of the sheriff's department.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 655

S. 651—Owen

AN ACT

To de-annex a certain piece of land from within the corporate limits of Gulf Shores, Baldwin County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The following described property, or any portion thereof, which is now within the corporate limits of the Town of Gulf Shores, Baldwin County, Alabama, is hereby de-annexed and declared to be outside of the corporate limits of said town, viz:

Beginning at the point where the north line of Section 9, Township 9 South, Range 4 East, intersects the east line of Alabama Highway No. 3, which east line is 65 feet from the center line of said highway, running thence east along the north line of said Section 9, 1570 feet; running thence south on a line parallel with the east line of Alabama Highway No. 3, to the center line of the inter-coastal Canal; running thence westwardly along said center line 1320 feet; running thence north on a line parallel with the east line of Alabama Highway No. 3, to a point 310 feet south of the north line of Section 9; running thence west on a line parallel with said north line of Section 9 to the east line of Alabama Highway No. 3; running thence north along said east line 310 feet to the point of beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 656

S. 653—Fine

AN ACT

Amending Section 1 of Act No. 488, S. 920 of the 1971 Regular Session (Acts 1971, Vol. II, p. 1204), relating to the boards of equalization in all counties having populations of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census, so as to change the amount of the county per diem supplement.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 488, S. 920 of the 1971 Regular Session (Acts 1971, Vol. II, p. 1204) is hereby amended to read as follows:

“Section 1. In all counties having populations of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census the members of the county board of equalization shall each be paid out of

the general funds of the county a per diem supplement of fifteen dollars for each day such member is engaged in the discharge of his official duties, which shall be in addition to the per diem compensation paid by the state and county as otherwise provided for by law."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 657

S. 666—Waldrop

AN ACT

To provide that the Occupational-Education Building at Gadsden State Junior College be named the Bevill Occupation-Education Building.

WHEREAS, Congressman Tom Bevill of the 4th Congressional District is a man of many talents who has contributed much to his state and community; and

WHEREAS, Congressman Bevill has never shunned responsibility, but rather has spearheaded numerous worthwhile endeavors; and

WHEREAS, Congressman Bevill has always been ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, Congressional District, state, and country; and

WHEREAS, Congressman Bevill has contributed generously of his time, talent and means in assisting in the development of Gadsden State Junior College; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The Occupation Education Building at Gadsden State Junior College shall be henceforth named the Bevill Occupation-Education Building in honor of Congressman Tom Bevill. The administrators of Gadsden State Junior College are authorized and directed to properly designate such building by this name.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 658

S. 667—Waldrop

AN ACT

Relating to Cherokee County; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county, and providing for the disposition of the proceeds of the sale thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Any motor vehicle, or any gun, rifle or other hunting equipment customarily used in hunting deer, or any possession thereof upon the person or in any motor vehicle of any person who may be apprehended while engaging in hunting deer at night in Cherokee County shall be contraband and shall be forfeited to the State of Alabama. Such property may be seized by the Sheriff of the county or by any other officer or person acting under authority of law in the enforcement of laws of this state, and the sheriff or such other officer or person shall report the seizure and the facts connected therewith to the solicitor or any other prosecuting official of the county, giving a full description of the vehicle or other equipment seized and detained, the name of the person in whose possession it was found, the name of the person making claim to the same or any interest therein, if the name is known or can be ascertained, the date of seizure, and a statement of the circumstances connected with the apprehension of the person or persons whose property has been seized.

Section 2. In order to condemn and confiscate any of the property set out in section one of this act, it shall not be necessary for the solicitor or other prosecuting authority to prove possession of deer killed in night hunting or that the hunter be apprehended in the actual act of killing deer, but it shall suffice to prove possession upon the person or any motor vehicle of such person of guns, ammunition, and other equipment normally used in hunting deer and the time, the place, and circumstances of the apprehension sufficient to support a conviction of the offense of night hunting of deer.

Section 3. Except as otherwise herein provided, the manner, the method and procedure for the forfeiture condemnation and sale of any motor vehicles or hunting equipment seized under authority of this act shall be the same as that provided by law for the confiscation, condemnation, and sale of automobiles, conveyances or vehicles in which alcoholic beverages are illegally transported. Without limiting the generality of the foregoing sentence, the provisions of Code of Alabama 1940, Title 29, Sections 248 and 249 shall apply.

Section 4. The proceeds of the sale of any property condemned and forfeited to the state under authority of this act,

after payment of all expenses in the cause, including the costs of seizure and a keeping of the property pending the proceedings, shall be paid into the state treasury to the credit of the State Game and Fish Fund.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 659

S. 668—Fine

AN ACT

Amending Section 1 of Act No. 492, S. 924 of the 1971 Regular Session (Acts 1971, Vol. II, p. 1206), relating to the jury commission in all counties having populations of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census, so as to change the amount of the county per diem payable from the county general funds.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 492, S. 924 of the 1971 Regular Session (Acts 1971, Vol. II, p. 1206) is hereby amended to read as follows:

“Section 1. In all counties having populations of not less than 23,900 nor more than 24,450 according to the 1970 or any subsequent federal decennial census, each member of the jury commission shall be paid the sum of \$25 per day for the time actually engaged in the discharge of his duties as such member, to be paid out of the county treasury upon the warrant of the probate judge of the county. Such warrants are to be issued by such probate judge upon evidence satisfactory to him that such service has been rendered.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 660

S. 673—Mitchell and Powell

AN ACT

Relating to Crenshaw County; regulating and providing for the payment of compensation of election officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The officers appointed to hold elections in Crenshaw County shall each be entitled to fifteen dollars a day. The returning officer shall also be entitled to mileage as prescribed in Code of Alabama 1940, Title 17, Section 198, as amended. The several claims shall be paid as preferred claims, out of monies in the county treasury not otherwise appropriated, on proper proof of service rendered. The amounts paid to election officers under this act for compensation, per diem or mileage shall be reimbursed according to the General Laws.

Section 2. All laws or parts of laws which conflict with this act are repealed; and Act No. 147, S. 139, Regular Session 1961 (Acts 1961, p. 2090) is specifically repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 661

S. 675—Waldrop

AN ACT

Relating to Cherokee County; to make it unlawful for any person to attempt to locate deer by shining any type of lighting device across fields, pastures and roadsides; prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to Cherokee County.

Section 2. It shall be unlawful for any person to attempt to locate deer by shining any type of lighting device across fields, pastures and roadsides.

Section 3. Any person violating any provisions of this act shall be deemed guilty of a misdemeanor and shall be punished as provided for by law.

Section 4. The provisions of this act are severable. If

any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 662

S. 676—Waldrop

AN ACT

Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; and providing for the compensation and expense allowance of the tax assessor and the tax collector in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census.

Section 2. In such counties, commencing with the next term of office of the tax assessor and the tax collector their salary shall be nine thousand six hundred dollars (\$9,600.00) per annum payable out of the county general fund as are the salaries of other officials.

Section 3. In the interim from the effective date of this act to the new term of office for the tax assessor and the tax collector, such officers shall be entitled to an expense allowance of twelve hundred dollars (\$1,200.00) per annum to be expended in performing their official duties. Said expense allowance shall be payable out of the county general fund as are the expense allowances for other county officials.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or as provided for in this act, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 663

S. 677—Waldrop

AN ACT

Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; and providing for the compensation of the probate judge in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census.

Section 2. In all such counties, at the expiration of the present term of office of the probate judge, the judge of probate shall be entitled to an annual salary of nine thousand six hundred dollars (\$9,600.00) which shall be paid from the county treasury in the same manner and out of the same funds as now provided by law for the payment of compensation for such officer.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective at the expiration of the present term of office for the judge of probate in the counties to which this act applies and upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 664

S. 678—Waldrop

AN ACT

Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; providing for the duties and compensation of the chairman of the county governing body; providing for the compensa-

tion of associate commissioners of the county governing body; regulating the travel allowance for out of county travel for all members of the county governing body; and setting the times of meetings for the commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census.

Section 2. In all such counties, commencing with the next term of office, the office and duties of the chairman of the county governing body shall be full time and he shall be paid an annual salary of nine thousand six hundred dollars (\$9,600.00). Such annual salary shall be paid in equal monthly installments from the general fund of the county.

Section 3. In all such counties, commencing with the next term of office, the associate commissioners of the county governing body shall be paid an annual salary of six thousand dollars (\$6,000.00). Such annual salary shall be paid in equal monthly installments from the general fund of the county.

Section 4. Commencing with the next term of office, in all such counties, in addition to the salaries provided for in this act, the chairman and associate commissioners of the county governing body shall be entitled to an allowance of twelve cents (\$0.12) per mile and any actual and necessary expenses for meals and lodging for travel out of the county in the performance of their official duties. Such additional allowance for out of county travel shall be based on the actual receipts for reimbursement and shall be drawn on warrants on the county treasury in the same manner now provided by law.

Section 5. The chairman and associate commissioners in such counties shall meet at least once each week, and at such other times as the commissioners may deem necessary, to transact county business.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 665

S. 679—Waldrop

AN ACT

Repealing Act No. 118, H. 464 of the 1965 Regular Session (Acts 1965, Vol. I, p. 177) entitled, "An Act To provide transportation allowances for the chairman and members of the court of county commissioners, board of revenue, or other like governing body of counties having populations of not less than 16,150 nor more than 17,000, according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 118, H. 464 of the 1965 Regular Session (Acts 1965, Vol. I, p. 177) entitled, "An Act To provide transportation allowances for the chairman and members of the court of county commissioners, board of revenue, or other like governing body of counties having populations of not less than 16,150 nor more than 17,000, according to the most recent federal decennial census," is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 666

S. 681—Baker

AN ACT

Altering, re-arranging and extending the corporate limits of the Town of Fyffe.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the municipality of Fyffe in DeKalb County are hereby altered, re-arranged and extended to include within the corporate limits of the Town of Fyffe, the following described territory, in addition to that already within the corporate limits, to-wit:

The Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 9, Township 7 South of Range 7 East.

The Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$; Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, Section 32, Township 6 South, Range 7 East.

Said area all lying in DeKalb County, Alabama.

Section 2. This act shall become effective immediately upon the passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 667

S. 690—Baker

AN ACT

Relating to counties having populations of not less than 41,750 nor more than 45,000, according to the 1970 or any subsequent federal decennial census; to provide that the county commission may levy and collect a severance tax on coal at a rate established by such county commission; to provide that such tax shall be in addition to any state severance tax; to provide how the funds from such tax shall be expended; to provide for the collection of such severance tax; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of any county having a population of not less than 41,750 nor more than 45,000, according to the 1970 or any subsequent federal decennial census, may levy and collect from each producer of coal in such county a privilege or license tax to be known as a severance tax. The rate of said tax shall be established by said county commission.

Section 2. The tax herein levied shall be in addition to any state tax heretofore or hereafter imposed on the severance of coal, but shall be the only severance tax levied by the county on coal and such tax shall be in lieu of any severance tax heretofore levied on coal by the governing body of the county pursuant to any other law, general, local or special. The first \$250,000 collected from such tax shall be deposited in the general fund of the county and the remainder shall be designated for the county road and bridge fund.

Section 3. The county commission of such county shall require each producer of coal in such county to file with said commission a surety bond approved by said commission guaranteeing payment of the severance tax levied in accordance with this Act.

Section 4. The State Department of Revenue shall collect the severance tax levied by the county commission of any county to which this act applies, in addition to the severance tax levied by Act No. 2305, H. 875, 1971 Regular Session (Acts of 1971, p. 3719). The State Department of Revenue is hereby further

authorized to recover all costs of collecting such severance taxes from the proceeds of such taxes collected and said Department is hereby authorized to promulgate such rules and regulations as are necessary to facilitate the collection of said severance taxes in any county levying the tax pursuant to this Act.

Section 5. The provisions of this Act shall be administered and the tax levied in accordance with this Act shall be subject to and collected in accordance with all applicable definitions, exceptions, exemptions, proceedings, requirements, provisions, penalties, fines, punishments, and deductions as are provided in the provisions of Act No. 2305, H. 875, 1971 Regular Session (Acts of 1971, p. 3719), except where inapplicable or where herein otherwise provided. Assessments for the tax levied in accordance with this Act shall be made in accordance with the applicable provisions of Act No. 100, H. 94, 1959 Second Special Session (Acts of 1959, p. 298), as amended.

Section 6. All laws, general, local or special or parts of such laws, in conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 668

S. 691—Baker

AN ACT

Relating to Pickens County; to increase the salary of members of the Pickens County Commission to \$450 a month.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Pickens County Commission shall receive a salary of four hundred and fifty (\$450.00) dollars a month as compensation for fulfilling the duties of a member. Said salary shall be in lieu of all other salary heretofore provided for by law, and shall be payable in the same manner and from the same funds as is now provided by law.

Section 2. This act shall have no effect on expense allowances granted to commission members or on fees or allowances provided the chairman by Act No. 150 of the Fourth Special Session of the Legislature of Alabama, 1975.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective on January 17, 1977, upon the expiration of the term of office of any member of the Pickens County Commission.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 669

S. 705—McDonald (S)

AN ACT

Relating to Marshall County, Alabama: levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Marshall County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; providing that this Act be severable; and providing for the effective date hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in Marshall County, Alabama.

Section 2. There is hereby levied and imposed a privilege license tax on each bottled or canned unit of malt or brewed beverages of 6¢ for the first 12 ounces or fractional part thereof, and ½¢ per ounce over 12 ounces (including draft beer) sold, used, consumed, stored, or withdrawn from storage in Marshall County, to be paid by every person, firm, corporation, co-partnership, club, association, agency, distributor, storer or user of such malt or brewed beverages; provided, that where the amount of the tax levied under the provisions of this Act shall have been paid by any seller, distributor, dealer, storer or user, and evidenced by the appropriate stamps as provided for below, such payment shall be sufficient, the intent being that the tax levied by this Act shall be paid but once.

Section 3. The proceeds of the tax levied by this act (less costs of collection as provided for below) shall be distributed according to the locations to which malt or brewed beverages are delivered for retail sale, as determined by the sworn monthly statements hereinafter required to be filed by each distributor or seller, as follows:

a) For malt or brewed beverages delivered for retail sale outside the city or town limits of a municipality, the proceeds from the tax levied by this Act shall be distributed as follows:

70.00% to the city and county boards of education in Marshall County to be divided pro rata among them in accordance with the most recent average daily attendance figures;

20.00% to the Marshall County general fund;

10.00% to the Marshall County general fund for use in the renovation or construction of a new county jail or county offices for debt retirement of borrowed funds used for such construction for a period not exceeding 17 years.

b) For malt or brewed beverages delivered for retail sale within the city or town limits of a municipality, the proceeds from the tax levied by this Act shall be distributed as follows:

2/6 (33.33%) to the general fund of the municipality;

4/6 (66.67%) to Marshall County to be distributed as set out in subsection a.

Section 4. The privilege license tax authorized herein shall be collected in the manner set forth below by or under the supervision and control of the county commission, board of revenue, or like governing body of such county, (hereinafter referred to as "the commission"), which shall be primarily responsible for the administration of this Act. The commission shall provide rules and regulations and administrative machinery for the enforcement and collection of the tax levied, and shall provide decal type tax stamps to be placed upon the lids or crowns of all containers in which malt or brewed beverages are sold, including kegs or barrels of draft beer as evidence of payment of the tax, and provide proper forms requiring sufficient information and proof, to be verified by the oath of any seller, distributor, dealer, storer or other user claiming exemption from payment of the tax on account of purchases made from others who have paid the tax imposed by this act.

Section 5. a) Each and every distributor or seller of malt or brewed beverages shall, on or before the 15th day of the first full calendar month after the effective date of this Act, and on or before the 15th day of each calendar month thereafter, file with the commission a written statement, sworn to and subscribed by each distributor or seller, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next proceeding, together with the name and address of the producer, distributor, seller or other person from whom purchased, received or procured, the brand or brands of such malt or brewed beverages, the quantity of each brand, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which such beverages were purchased, received or procured, and a detailed, itemized statement showing the name and address of each distributor or seller or other person to whom any malt or brewed beverages were sold, distributed or delivered by such distributor or seller, together with the quantity of each brand

of malt or brewed beverages sold, distributed or delivered to each, the size and kind of containers for each brand of such malt or brewed beverages and the date or dates on which sold, distributed or delivered.

b) Any distributor or seller failing, refusing or omitting to file the statement prescribed in this section shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) and/or imprisonment in the county jail for a period not to exceed six (6) months; and each day such default continues shall constitute a separate offense.

c) In order to enable the commission to make distribution of the next proceeds of the tax as prescribed and authorized by this Act, each distributor or seller must include in the statement separate figures stating the total sales by size of container made within each such municipality within the county, and the total sales made in the county but outside the corporate limits of any municipality. Should there be a continued failure to furnish the statement contemplated by this provision for basis of distribution, the commission is authorized and required to procure, from the records of the delinquent such information as may be procurable therefrom to enable it to make proper distribution of the proceeds of the tax. The authority given to the commission by this sub-section is cumulative and may be exercised in addition to prosecution under the provisions of the preceding subsection. The forms required to be filed with the commission by this section shall be retained by the commission and shall be subject to examination by representatives or agents of all municipalities and school boards within the county during normal business hours at the Marshall County Courthouse.

Section 6. It shall be unlawful for any distributor or seller to make any sale, distribution or delivery of malt or brewed beverages within the county without first having obtained a permit to do so from the commission and also obtaining a business license from each municipality in which sale, distribution or delivery is to be made; provided, however; that nothing contained in this section, or in any other part of this act, shall authorize any sale, distribution or delivery of malt or brewed beverages within the county, if such sale, distribution or delivery is prohibited by any other law of this State. Violation of this section shall upon conviction be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and/or imprisonment in the county jail for a period not to exceed six (6) months.

Section 7. a) It shall be the duty of any person, subject to the privilege license tax imposed by this act to keep full and complete records of all purchases, sales, receipts, inventories and

all other matters from which the correct amount of taxes to which such person is subject may be ascertained; in the event that such person should discontinue his business, he shall not destroy or dispose of such records until he shall have given to the commission thirty days' notice in writing of his intent to destroy or dispose of such records. The commission is authorized to inspect such records and to make copies of such parts of same as it may deem desirable or proper. The failure to keep such records, or destruction without giving the prescribed notice, shall be punishable as provided for in subsection F).

b) Upon demand by the commission it shall be the duty of any person subject to the privilege license tax imposed by this act to furnish, without delay, all such information as may be required for determination of the correct amount of said taxes to which such person is subject and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination during reasonable business hours and at such person's place of business, all books of account, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories and any other information from which the correct amount of said taxes to which such person is subject, may be determined, including herein the exhibition of bank deposit books and bank statements. Any person failing or refusing to submit such records for such inspection or examination upon lawful demand therefor shall be punishable as provided for in subsection F).

c) Should any person subject to the provisions of this act not keep and have in his possession or control correct and detailed books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for the determination of the correct amount of the privilege license tax due, and the required information as to sales in the several tax-recipient areas; or, if, having the same in possession or under control such person shall fail or refuse to submit and exhibit same for inspection and examination as herein required, then and in that event it shall be the duty of the commission to ascertain from such information and data as may be reasonably available the correct amount of taxes due from such person and to assess the same against such person and give to such person notice of such assessment and demand of him immediate payment of the amount thereof. If such amount be not paid within ten days after receipt of notice and demand for payment, then such failure to pay shall be punishable as provided for in subsection F), and each day of delay in payment shall constitute a separate offense.

d) The taxes shall be paid by each distributor or seller when he buys his decals or other devices from the commission.

e) All rights to inspect documents, reports, books of account and other pertinent information which are granted to the commission in this section shall also be granted to the municipalities of Marshall County with respect to businesses and other locations within the corporate limits and/or police jurisdictions of the municipalities.

f) All persons found guilty of violating this section shall, upon conviction, be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and/or imprisonment in the county jail for a period not to exceed six (6) months.

Section 8. a) It shall be the duty of the commission to prepare such forms as may be necessary for use by sellers and distributors of malt or brewed beverages in complying with the provisions of this act, and to furnish the same to such distributors or sellers as they may be required.

b) It shall be the duty of the commission to enforce the provisions of this act, and to that end it is authorized to enter lawfully any premises of any retailer of malt or brewed beverages at any time during the hours in which such retailer is engaged in the business of selling or serving malt or brewed beverages, and to inspect the containers of malt or brewed beverages in the retailer's possession, for the purpose of determining whether or not there be any containers not having affixed the decal or other device contemplated by this act. It shall be unlawful also for any police officer or deputy sheriff, to enter lawfully any such retail establishment for the said purpose of inspection and determination of whether or not there be on hand any untaxed malt or brewed beverages. Provided, however, that the authority of police officers shall be limited to the corporate limits and police jurisdictions of the municipality by which they are employed.

Section 9. a) Collection of the tax shall be accomplished in this fashion:

The commission shall procure decals or other devices susceptible of being affixed, with measurable permanence, to containers of malt or brewed beverages to be taken from storage, distributed or sold, each of which decals or other devices shall bear in legible characters a notation that it evidences the payment of the taxes levied by this act or levied by the municipalities as authorized by this act, and it may procure such forms and other printed matter and materials as may be necessary in the administration of this act. The commission shall deduct from the gross amount of taxes collected, at each tax-distribution period, the actual amount which it has expended for stamps, decals, reporting forms, notices and other materials necessary

for efficient administration, collection, distribution, and enforcement of the tax imposed by this Act. After deduction of the expenses incurred for said stamps, decals, notices, forms and material necessary, the amounts payable to the recipients shall be computed and distributed according to the provisions of Section 3 of this Act.

b) The amount distributed by the commission to the several recipients of the proceeds of the tax as provided in this act shall be, as to each recipient of the tax, that recipient's proportionate part of the net proceeds of the tax, such net proceeds to be the total amount of taxes collected less the cost of collection and expenses of administration of this act.

Section 10. a) Decals, stamps or other devices shall be furnished by the commission to each seller or distributor of malt or brewed beverages, upon request therefor and payment of the amount of taxes corresponding to the stated value of the decals, stamps, or other devices that he procures from the commission, less an eight per cent (8%) discount to help offset the expense of affixing stamps or decals to the beverage containers as required by this Act; provided, however, that such decals or other devices shall be sold and furnished to wholesalers only. Each distributor or seller must affix to each container of malt or brewed beverages the appropriate decals or other devices before the same is taken from storages, sold or delivered and within such time limits as may from time to time be fixed by resolution of the Commission.

Section 10. b) It shall be unlawful for any person (other than licensed wholesale dealers and distributors of malt or brewed beverages during the time limit fixed by the commission as aforesaid) to have in their custody, control or possession in Marshall County any malt or brewed beverage upon which the tax imposed by this Act has not been paid. For purposes of this section, the absence of a required stamp or decal from a container holding malt or brewed beverages shall give rise to a presumption that no tax has been paid upon said malt or brewed beverages. It shall not be deemed a violation of this section for a person to have in his possession nominal amounts (not exceeding 144 fluid ounces) of malt or brewed beverages which such amounts are intended solely for personal consumption.

Section 10. c) Persons violating the provisions of this section, shall, upon conviction, be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and/or imprisonment in the county jail for a period not to exceed six (6) months.

Section 11. Any person, firm, or corporation who fails to pay the taxes herein levied within the time prescribed in the

rules and regulations set out by the commission shall pay, in addition to the taxes a penalty of ten percent of the amount of tax, together with interest thereon at the rate of one-half of one percent per month or fraction thereof, from the date at which the tax herein levied becomes payable, such penalty and interest to be assessed and collected as a part of the tax. In addition to any fine imposed for the violation of this law.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. This Act shall become effective following its passage and approval by the Governor, or its otherwise becoming a law, and only in the event that a majority of those voters participating in a duly authorized election for such purpose approve the legal sale of malt or brewed beverages in Marshall County.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 670

S. 711—Waldrop

AN ACT

Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; relieving the board of registrars in such counties from the duty to meet on any official national, state or county holiday.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census.

Section 2. In all such counties, the board of registrars shall meet as now prescribed by law; provided, however, that when such meeting date falls on an official national, or state, or county holiday the members are relieved of the duty to meet.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 671

S. 728—Fine, Bank

AN ACT

Providing a supplement to the salary of the circuit judge of the twenty-fourth judicial circuit to be paid in equal parts by the counties composing the circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing bodies of the counties composing the twenty-fourth judicial circuit are hereby authorized, empowered and directed to pay to the circuit judge of such circuit a supplemental salary in the sum of \$4,800.00 per annum. The payment of such amount shall be proportioned equally among the counties comprising the twenty-fourth judicial circuit and shall be paid in equal monthly installments out of the general fund or any other funds as may be available for such purpose. Such salary shall be in addition to any other salary, compensation, allowances or expenses heretofore provided by law.

Section 2. This act shall become effective January 17, 1977.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 672

S. 735—Mitchell

AN ACT

To amend Act No. 133, H. 86, First Special Session 1971 (Acts 1971, p. 214), which act provides for a clerk for the probate judge in counties having populations of not less than 12,700 nor more than 13,100 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide further for the salaries of such clerks.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 133, H. 86, First Special Session 1971 (Acts 1971, p. 214) is hereby amended to read as follows:

"Section 1. In all counties having a population of not less than 12,700 nor more than 13,100 according to the 1970 or any subsequent federal decennial census, the county governing body is hereby authorized to employ.

One person as a chief clerk, who shall be appointed by the probate judge of any such county to perform clerical services for the probate judge in his office, and the county governing body is authorized and directed to pay said chief clerk so em-

ployed, the sum of not less than \$300 nor more than \$550 per month out of the county treasury. The exact amount to be set by the Probate Judge."

Section 2. In all counties having a population of not less than 12,700 nor more than 13,100 according to the 1970 or any subsequent Federal decennial census, the county governing body is hereby authorized to employ a part time clerk to work in the office of the probate judge, which part time clerk shall be appointed by the probate judge of any such county, and the county governing body is authorized to pay said part time clerk for work performed between September 1 and February 1 of each calendar year a sum not to exceed \$400 per month out of the county treasury, the exact amount to be set by the Probate Judge.

Section 3. In the event any section, sentence, clause or portion of this act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this act, which shall continue effective.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 673

H. 2—Cooper

AN ACT

To amend Section 10 of Act No. 863, H. 1509 of the 1973 Regular Session of the Legislature (Acts 1973, Vol. III, p. 1351) so as to permit certain establishments in counties, having populations of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census, to extend the legal hours for selling table wine.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Act No. 863, H. 1509 of the 1973 Regular Session of the Legislature (Acts 1973, Vol. III, p. 1351), entitled "Relating to all counties having populations of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold", is hereby amended to read as follows:

"Section 10. Unlawful Acts. In addition to the unlawful acts set forth in Section 36 of Chapter 1, Title 29, Code of Alabama 1940, it shall be unlawful for table wine to be sold except between the hours of 9:00 a.m. and 12:00 p.m., Monday through Saturday. Table wine may not be displayed by a wine retailer other than during the legal hours of sale and if a wine retailer's establishment is open for business other than during the legal hours of sale his wine display must be kept under lock and key and hidden from public view by whatever means are necessary."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 674

H. 12—Owens

AN ACT

To reduce certain appropriations heretofore made to the Department of Public Safety which were to be used for other expenses and to transfer an amount equal to the sum of all such reductions to the Department of Public Safety to be used for overtime for state troopers.

Be It Enacted by the Legislature of Alabama:

Section 1. Of that part of the appropriation made by Section 2, III, A (83) of the Act No. 934, H. 490, 1975 Regular Session to the Department of Public Safety for "other expenses", the sum of \$150,000.00 shall be transferred by the State Budget Officer, the State Comptroller, and the State Treasurer to the credit of the Department of Public Safety for "overtime pay" for state troopers.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 675

H. 62—Roberts, Carter, Naramore, Kelley,
Cross

AN ACT

To exempt from civil liability members of organized volunteer

fire departments who make efforts to preserve and protect any building and certain other property from fire.

Be It Enacted by the Legislature of Alabama:

Section 1. When any member of any volunteer nonprofit fire department gratuitously and in good faith enters any building, house or structure which is burning or endangered by fire and makes efforts to preserve and protect such property and any other property contained therein or located on the premises thereof, such member shall not be liable for any civil damages for such entering or as result of any acts or omissions in rendering such efforts, provided, however, that this action shall not apply to civil damages for wanton misconduct.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 676

H. 99—Crawford, Carothers, Plaster,
Whatley, McMillan, Sasser,
Williams, Turnham

AN ACT

Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for the fiscal year ending September 30, 1977, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of cholera, African swine fever and other swine diseases.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1977, there is hereby appropriated to the department of agriculture and industries out of any monies in the state treasury not otherwise appropriated the sum of One Hundred Thousand Dollars (\$100,000) or so much thereof as may be necessary, for the fiscal year, which said sum shall be used and expended by said department for the purpose of paying and indemnifying the owners of swine for the value of any swine ordered and directed to be condemned and destroyed by the commissioner of agriculture and industries or the state veterinarian for the purpose of arresting, eradicating and preventing the spread of hog cholera disease, African swine fever and other diseases of swine.

The amount of any payments to owners of swine from the appropriation herein made shall be determined pursuant to the procedure and method set forth under Sections 17-26 of Act No. 694, Legislature of 1947, approved October 9, 1947, (Sections 383 (17) - (26) of Title 2, Code of Alabama, Recompiled, 1958.)

Section 2. The appropriation herein made shall be conditioned upon the condition of the general fund and with the approval of the Governor.

Section 3. This Act shall become effective on October 1, 1976.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 677

H. 238—Cooper

AN ACT

To revise, amend and reenact Act No. 58, S. 13, 1975 Second Special Session (Acts 1975, p. 185), which relates to prison sentences providing credit toward a sentence for time spent incarcerated pending trial so as to make such act applicable to any prisoner incarcerated on the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 58, S. 13, 1975 Second Special Session (Acts 1975, p. 185), is revised, amended and reenacted to read as follows:

“AN ACT

“To provide credit toward a sentence for time spent incarcerated pending trial; and to make such provisions applicable to any prisoner presently incarcerated. “BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

“Section 1. Upon conviction and imprisonment for any felony or misdemeanor, the sentencing court shall order that the convicted person to be credited with all of his actual time spent incarcerated pending trial for such offense. The actual time spent incarcerated pending trial shall be certified by the circuit clerk, on forms to be prescribed by the board of Corrections.

“Section 3. This act shall be made applicable to any prisoner presently incarcerated who comes within the purview of Sections 1 and 2 of this act.

“Section 4. The provisions of this act are severable. If

any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 5. All laws or parts of laws which conflict with this act are repealed.

"Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 678

H. 247—Sonnier, Sandusky, Kinsey

AN ACT

Relating to the regulation of the practice of podiatry in Alabama; to provide that all contracts of insurance or plans or agreements for health services issued or delivered in this State shall cover and include the services performed by podiatrists under this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any other provision of law, when any contract of health insurance, or any plan or agreement of health services provide for the reimbursements or payment for services which are within the scope of a podiatrist's professional license as defined in the general laws of Alabama, such policy shall be construed to include payment to a podiatrist who has performed such procedures.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 679

H. 258—Armstrong

AN ACT

To amend Section 8-102 of Act No. 549, S.2. Regular Session 1965,

(an Act known as the Uniform Commercial Code) so as to change the definition of "clearing corporation" contained in said Section 8-102.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8-102 of Act No. 549, S.2., Regular Session 1965 (an Act known as the Uniform Commercial Code) is hereby amended to read as follows:

Section 8-102. DEFINITIONS AND INDEX OF DEFINITIONS.

(1) In this Article unless the context otherwise requires:

(a) A "security" is an instrument which

(i) is issued in bearer or registered form; and

(ii) is of a type commonly dealt in upon securities exchange or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment; and

(iii) is either one of a class or series or by its terms is divisible into a class or series of instruments; and

(iv) evidences a share, participation or other interest in property or in an enterprise or evidences an obligation of the issuer.

(b) A writing which is a security is governed by this Article and not by Uniform Commercial Code—Commercial Paper even though it also meets the requirements of that Article. This Article does not apply to money.

(c) A security is in "registered form" when it specifies a person entitled to the security or to the rights it evidences and when its transfer may be registered upon books maintained for that purpose by or on behalf of an issuer or the security so states.

(d) A security is in "bearer form" when it runs to bearer according to its terms and not by reason of any indorsement.

(2) A "subsequent purchaser" is a person who takes other than by original issue.

(3) A "clearing corporation" is a corporation.

(a) at least ninety per cent of the capital stock of which is held by or for one or more persons (other than individuals), each of whom

(i) is subject to supervision or regulation pursuant to the provision of federal or state banking laws or state insurance laws, or

(ii) is a broker or dealer or investment company regist-

ered under the Securities Exchange Act of 1934 or the Investment Company Act of 1940, or

(iii) is a national securities exchange or association registered under a statute of the United States such as the Securities Exchange Act of 1934, and none of whom, other than a national securities exchange or association, holds in excess of twenty per cent of the capital stock of such corporation; and

(b) any remaining capital stock of which is held by individuals who have purchased such capital stock at or prior to the time of their taking office as directors of such corporation and who have purchased only so much of such capital stock as may be necessary to permit them to qualify as such directors.

(4) A "custodian bank" is any bank or trust company which is supervised and examined by state or federal authority having supervision over banks and which is acting as custodian for a clearing corporation.

(5) Other definitions applying to this Article or to specified Parts thereof and the sections in which they appear are:

| | |
|------------------------------|---------------|
| "Adverse claim" | Section 8-301 |
| "Bona fide purchaser" | Section 8-302 |
| "Broker" | Section 8-303 |
| "Guarantee of the Signature" | Section 8-402 |
| "Intermediary bank" | Section 4-105 |
| "Issuer" | Section 8-201 |
| "Overissue" | Section 8-104 |

(6) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 680

H. 428—Johnson

AN ACT

Relating to cities having populations of not less than 60,000 nor more than 120,000 inhabitants according to the 1970 or any subsequent

federal decennial census; to provide further for the compensation of the members of the city board of education in such cities.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all cities in this state having populations of not less than 60,000 nor more than 120,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In all cities to which this Act applies the members of the city board of education shall receive \$30 per meeting for each meeting they attend up to 24 meetings per year. Such compensation shall be paid from such funds as their salaries are now paid. The compensation provided for in this Act shall be their sole compensation and shall be in lieu of any and all other salary, compensation and expense allowances provided for by law.

Section 3. Nothing in this Act shall be construed to limit the number of meetings that may be held so long as the members of the board are not paid for attending meetings in excess of 24 per annum.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 681

H. 576—Manley, Campbell, Robertson,
Lockett, Pegues, Crowe, Lee,
McCorquodale, Owens,
Johnson, Coburn

AN ACT

To provide for and authorize the sale and issuance of general obligation bonds of the state in aggregate principal amount not exceeding \$25,000,000, the proceeds of which are to be expended by the Tombigbee Valley Development Authority in fulfilling the requirements of local contribution, participation and cooperation on the part of the state established by the United States in connection with the construction and maintenance of a navigable waterway between Demopolis, Alabama, and the Tennessee River, including the relocation and construction of roads and bridges to and across said waterway, access roads and approaches thereto and the related engineering and rights-of-way acquisition expenses; to make provisions for the sale, execution and issuance of the said bonds; to provide that the said bonds may

thereafter be refunded by the issuance of refunding bonds; to provide for the disposition of the proceeds of the sale of the said bonds; to provide that the said bonds and the income therefrom shall be exempt from taxation; and to authorize and direct the State Treasurer to pay the principal of and interest on the said bonds from any available funds of the state.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words and phrases used in this act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

"Authority" means the Tombigbee Valley Development Authority, a public corporation and agency of the state organized pursuant to the provisions of Act No. 264 adopted at the 1967 Regular Session of the Legislature of the state.

"Board" means the board of directors of the Authority.

"Bonds" means the bonds issued under the provisions of this act.

"Projects" means the relocation and construction of roads and bridges to and across the waterway, access roads and approaches thereto and the related engineering and rights-of-way acquisition expenses and flood control project as defined in Act No. 264, page 746, 1976 Acts of Alabama, 1967, Vol. II.

"State", in the absence of clear implication herein otherwise, means the State of Alabama.

"Waterway" means a navigable waterway, utilizing the channel of the Tombigbee River, between Demopolis, Alabama, and the Tennessee River, as authorized by the River and Harbor Act of 1946, 60 Statutes at Large 634, 79th Congress, 2nd Session (1946), in accordance with House Document No. 486, 79th Congress, 2nd Session (1946).

"Herein," "hereby," "hereunder," "hereof," and other equivalent words refer to this act as an entirety and not solely to the particular section or portion thereof in which any such word is used.

The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 2. Authorization of the Bonds. The state is hereby authorized to become indebted, and in evidence thereof there are hereby authorized to be issued bonds of the state, in the aggregate principal amount of not exceeding \$25,000,000 for the purpose of fulfilling the requirements of local contribution,

participation and cooperation on the part of the state established by the United States in connection with the construction and maintenance of the waterway, including the projects. The bonds shall be general obligations of the state, and the full faith and credit of the state are hereby irrevocably pledged for the prompt and faithful payment of the principal of and the interest on the bonds. The bonds authorized hereby shall be in addition to those authorized by that amendment to the Constitution of Alabama of 1901 proposed by Act No. 248 adopted at the 1967 Regular Session of said legislature and ratified by the electors of the state on December 5, 1967.

Section 3. Details Respecting the Bonds. The bonds may be sold from time to time as the board may deem advantageous; provided, that no bonds (other than refunding bonds) may be sold or issued unless the Governor shall have first determined that the issue of the bonds proposed to be issued will be necessary to enable the Authority to fulfill the requirements of local contribution, participation and cooperation established by the United States in connection with the waterway and the projects. Except as hereinafter limited, the bonds may be executed and delivered at any time from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest, or both, may be payable in such installments and at such time or times, may be payable at such place or places within or without the state, may bear interest at such rate or rates payable and evidenced in such manner, may contain provisions for redemption at the option of the Authority at such date or dates prior to their maturity and upon payment of such redemption price or prices, and may contain such other provisions not inconsistent with the provisions of this act, all as shall be provided by the board in the resolution or resolutions whereunder the bonds are issued. The principal of each series of the bonds shall mature in annual installments in such amounts as shall be specified in the resolution or resolutions of the board under which they are issued, the last of which installments shall mature not later than twenty years after the date of the bonds of such series. Any redemption price required to be paid in order to effect any redemption of bonds prior to maturity shall not exceed the face value of each bond redeemed plus accrued interest thereon to the date fixed for redemption and a premium equal to one year's interest on such bond. Each series of bonds having an installment of principal maturing more than ten years after the date thereof shall be made subject to redemption prior to maturity, at the option of the state, at the end of the tenth year following their date and semiannually thereafter, as a whole or in part in the inverse order of the numbers of the bonds of that series. When each series of the bonds is issued, the maturities of the

bonds of that series shall, to such extent as may be practicable, be so arranged that during each then succeeding fiscal year of the state the aggregate installments of principal and interest that will mature on all bonds that will be outstanding hereunder immediately following the issuance of the bonds of that series and all other bonds of the state then outstanding that are general obligations of the state (excluding those of such bonds the principal of and interest on which are at the time being paid out of revenues specially pledged for such purpose) will, when taken together, be substantially equal; provided, that the determination by the Authority that the requirements of this sentence have been complied with shall be conclusive of such compliance and the purchasers of any of the bonds and all subsequent holders thereof shall be fully protected by such determination.

None of the bonds shall be sold for less than their face value plus accrued interest thereon to the date of their delivery, and all of the bonds shall be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the state computed to the respective maturities of the bonds sold; provided, that, if no bid deemed acceptable by the Authority is received, all bids may be rejected. Notice of each bond sale shall be given by the Authority by publication in either a financial journal or a financial newspaper published in New York, New York, and also by publication in a newspaper published in the State of Alabama, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale. The Authority shall cause such other publicity to be given of each bond sale as it may deem advisable, and it shall fix the terms and conditions under which each sale of bonds may be held; provided, that such terms and conditions shall not conflict with any of the requirements of this act. The Authority is authorized to provide terms and conditions under which any of the bonds may be exchanged for like bonds of other denominations and may be converted from bearer bonds into registered bonds, either as to principal or interest or both as the Authority may prescribe, and again converted into bearer bonds. Subject to the provisions of this act, the Authority may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the Authority then outstanding.

The bonds shall not be valid unless the Governor shall approve the terms and conditions under which the bonds were authorized to be issued by the board. Such approval shall be entered on the minutes of the meeting of the board at which the bonds are authorized and shall be signed by the Governor. Such approval by the Governor may be shown on any such bonds by a facsimile of his signature printed or otherwise re-

produced thereon when authorization thereof is contained in the said approval signed by him.

The bonds shall be executed in the name of the state by the Governor, and the Great Seal of the state, or a facsimile thereof, shall be affixed, printed or otherwise reproduced thereon and attested by the Secretary of State. A facsimile of the signature of either, but not of both, of said officials may be printed or otherwise reproduced on any of the bonds in lieu of being manually inscribed thereon. The coupons evidencing any installments of interest on the bonds shall be executed with a facsimile of the signature of the State Treasurer printed or otherwise reproduced thereon. Each such facsimile of a signature shall be valid in all respects as if the officials the facsimiles of whose signatures are so used had signed the bonds in person. Any facsimile of the Great Seal of the state so used shall be valid in all respects as if the Great Seal of the state had been manually affixed to the bonds. In the event any official who shall sign the bonds or the facsimile of whose signature shall appear thereon shall thereafter cease to hold office before they are delivered and paid for, the bonds and the coupons applicable thereto shall nevertheless be valid for all purposes to the same extent as if the official who signed the bonds or the facsimile of whose signature appears thereon had remained in office until all of the bonds bearing such signature or facsimile thereof shall have been delivered and paid for.

The bonds and the income therefrom shall be exempt from all taxation in the state.

Section 4. Proceeds of the Bonds. The Authority shall pay out of the proceeds from the sale of any of the bonds all expenses which the board may deem necessary or advantageous in connection with the sale and issuance of the bonds. The proceeds from the sale of all bonds, other than refunding bonds, remaining after paying the expenses of their sale and issuance shall be turned into the State Treasury, shall be carried in a special fund to be designated the Tombigbee Valley Development Authority Fund, and shall be subject to be drawn on by the Authority, upon approval by the Governor, but solely for the purpose of discharging the duties and obligations undertaken by the Authority in connection with the waterway and the projects. The proceeds from the sale of any refunding bonds remaining after the expenses of their sale and issuance shall be used only for the purpose of refunding the principal of outstanding bonds issued hereunder and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded.

Any portion of the proceeds derived from the sale of any of the bonds which the board may determine is not then needed

for any of the purposes for which the bonds are authorized to be issued shall, on order of the Authority, be invested by the State Treasurer in any securities that are direct general obligations of the United States or the principal of and interest on which are unconditionally and irrevocably guaranteed by the United States; provided, that the Authority shall not make any such order that would cause any of the bonds to constitute "arbitrage bonds" under the United States Internal Revenue Code or similar legislation. Any such securities may, at any time and from time to time, on order of the Authority, be sold or otherwise converted by the State Treasurer into cash. The income derived from any such investments shall be added to and treated as a part of the Tombigbee Valley Development Authority Fund.

Section 5. State Treasurer Authorized to Pay Principal and Interest of Bonds; Records. Out of any funds in the State Treasury that may be available for such purpose, the State Treasurer is authorized and directed to pay the principal of and interest on the bonds at the respective maturities of the said principal and interest, and he is further authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 6. Severability. In the event any section, sentence, clause or provision of this act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this act, which shall continue effective.

Section 7. Effective Date. This act shall become effective upon ratification by the people of Alabama of a proposed amendment to the constitution of the state authorizing the state to engage in works of internal improvement within the state in connection with the waterway and projects and to become indebted for that purpose in an aggregate principal amount not exceeding \$25,000,000, which amendment is submitted by the legislature of the state at the 1976 Regular Session of said legislature.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 682

H. 265—Robertson, Manley

AN ACT

To create a commission called The Foreign Trade and Relations Commission; to prescribe the powers and duties of the commission;

specifically to authorize the commission to accept and expend gifts, grants and donations; and to designate such gifts as gifts to the state and provide for their deduction when computing net income for state income tax purposes for the year in which they are given.

Be It Enacted by the Legislature of Alabama:

Section 1. To create a commission called The Foreign Trade and Relation Commission of Alabama which shall be composed of five members, each of whom shall be a citizen of the United States and a resident of the State of Alabama. The members of the commission shall be appointed by the Governor with the advice and consent of the Senate. One of such members shall be appointed for a term of two years from the effective date of this act; two shall be appointed for terms of four years from such effective date; and two for terms of six years from such date. Each two years after the effective date of this act, the Governor shall appoint one or two members of the commission, as the case may be, to fill any vacancy or vacancies; and such appointment shall be for a term of six years. Vacancies in the membership of the commission shall be filled, as in the first instance for the unexpired term. Three members of the commission shall constitute a quorum for the transaction of business.

Section 2. It shall be the duty of the commission to devise and put into effect methods by which inter-American understanding and good will may be promoted and inter-American relations advanced without resort to tentative measures or the application of civil or criminal sanctions. The commission shall have power:

(1) To elect from its members a chairman and such other officers as it may deem desirable; provided that the first chairman of the commission shall be named by the Governor and shall call the first meeting of the commission and serve as such president until his successor shall be elected by the commission. All officers of the commission shall serve as such only during the pleasure of the commission.

(2) To hold such meetings, at such places within or without the State of Alabama and at such times as the commission may designate.

(3) To conduct such research, investigations and inquiries as may be necessary to inform the commission as to matters concerning inter-American relations.

(4) To appoint committees from its membership and prescribe their duties.

(5) To appoint consultants to be the commission.

(6) To make rules and regulations for the government

of the commission, its officers and committees, and to prescribe the duties of its officers, consultants and employees.

(7) To employ an executive secretary and such other clerical employees as it may think necessary and to fix the pay and compensation of such employees within the limits of funds available to it for such purposes.

(8) To receive, hold and expend any funds granted, donated or given to it. Any funds derived from a gift for a designated purpose shall be used and expended by the commission in accordance with the terms of the gift; but any funds received by the commission which are not limited to specified uses by the donor may be used and expended for the payment of salaries and expenses of the commission and its employees and for any other purpose incident to or which will promote the purposes of this act. Such funds when received by the commission, shall be deposited with the state treasury and shall be placed to the credit of a special account to be known as "The Foreign Trade and Relations Commission of Alabama Fund."

Section 3. On or before the first day of April of each year the commission shall make in writing a complete and detailed report to the Governor and to the presiding officer of each house of the Legislature of its activity. No member, consultant, or officer of the commission shall receive any compensation for his services in acting in such capacity but shall be paid his actual traveling and other necessary expenses incurred in attending the meetings of the commission and in the discharge of his duties as a member, consultant or officer, upon verified and itemized accounts approved by the chairman of the commission.

Section 4. The necessary clerical and other expenses of the commission shall be paid in like manner. All officers, departments, and agencies of the State government shall cooperate with the commission and, when requested by the commission, render to it such assistance as the officer, department or agency can without interfering with the discharge of its other regular duties.

Section 5. Every gift to the Foreign Trade and Relations Commission, whether or not the use thereof is prescribed by the donor, shall be deemed a gift to the State of Alabama. The donor in computing his net income for state income tax purposes for the year in which he makes his gift may deduct the amount of the gift from his gross income as authorized in Act No. 148, H. 319 of the Regular Session of 1951, as amended (now appearing in the supplement to the Code of Alabama, Recompiled 1958, in Title 51, Section 385(3), as amended).

Section 6. The provisions of this act are severable. If

any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 683

H. 580—Jackson (F), Smith (J), Holley

AN ACT

To name a new building which is presently under construction at Douglas MacArthur State Technical College for Bennie Frank Foreman.

WHEREAS Bennie Frank Foreman has been an instructor in Diesel and Heavy Equipment Repair at Douglas MacArthur State Technical College since November, 1965 when the institution opened; and

WHEREAS Mr. Foreman has proven himself to be a very effective instructor, and his students respect him as they respect few other people; and

WHEREAS Bennie Frank Foreman has been so instrumental in assuring jobs for his many graduates; and

WHEREAS a new building to house Diesel and Heavy Equipment Repair is under construction, and the administration, faculty, staff, student body, and advisory board desire that this building be named in honor of Bennie Frank Foreman; now therefore

Be It Enacted By The Legislature of Alabama:

Section 1. The new building under construction on the campus of Douglas MacArthur State Technical College is hereby named in honor of Bennie Frank Foreman and the administration at the college shall cause the building to be so designated by appropriate signs or otherwise.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 684

H. 594—Cooper, McCulley

AN ACT

To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, page 298) which creates and establishes the countywide Civil Service System in Mobile County, so as to increase the membership of the Personnel Board and provide districts from which members are to be selected; and to provide for equal opportunity within such system.

Be It Enacted by the Legislature of Alabama:

Section 1. Section V of Act No. 470, H. 952 of the Regular Session of 1939, (Local Acts, 1939, page 298) which creates and establishes the county-wide Civil Service System in Mobile County, Alabama, is hereby further amended to read as follows:

“Section V. (a). There is hereby established the Supervisory Committee of the Mobile County Personnel Board. This Committee shall be in lieu of the Citizen’s Supervisory Committee created by Act No. 470, H. 952 of 1939 (Local Acts of Alabama, 1939, page 298) and in lieu of the Supervisory Committee of the Mobile County Personnel Board created by Act No. 167, H. 231 of the 1955 Regular Session of the Legislature, (Local Acts of Alabama, 1955, page 431) both of which are hereby abolished. The Supervisory Committee hereby created shall succeed to and exercise all the rights, powers and authority, and shall perform all the duties and functions now vested in and required of the Citizen’s Supervisory Committee created by Act No. 470, H. 952 of 1939 (Local Acts of Alabama, 1939, page 298) and the Supervisory Committee of the Mobile County Personnel Board created by Act No. 167, H. 231 of the 1955 Regular Session of the Legislature (Local Acts of Alabama, 1955, page 431).

“(b) The Supervisory Committee of the Mobile County Personnel Board shall be composed of the following:

“1. The persons holding each of the following elective offices in Mobile County, Alabama, namely, the Presiding Judge of the Circuit Court, the Judge of Probate, the Presiding Judge of the Court of General Sessions, the Tax Assessor, the Tax Collector, the County License Commissioner, the Chairman of the Mobile County Commission, the Sheriff of Mobile County, and the Mayor of each of the incorporated towns and cities in Mobile County.

“2. The following non-elected officials shall also be members of the Supervisory Committee: The President or other chief executive officer of the Mobile County Municipal Association; a representative elected by all of the professional law enforcement officers of Mobile County, (including all members of MCLEA); a representative elected by all the professional

fire fighters of Mobile County; and a representative elected by the employees employed under the Mobile County Merit System; each of whom shall be a bona fide resident and qualified elector of Mobile County. The representatives of the professional law enforcement officers of Mobile County, (including all members of MCLEA), the professional fire fighters of Mobile County, and the employees employed under the Mobile County Merit System, shall be elected at meetings called for that purpose by the Chairman of the Supervisory Committee, notice of which shall be given to the members of their representative class by publication once each day for three (3) consecutive days preceding such meetings in a newspaper of general circulation, published in Mobile County. The notice of publication shall be signed by the Chairman of the Supervisory Committee, and shall state briefly the purpose of the meeting together with the date, time and place of holding such meeting. All such meetings shall be held at the Mobile County Courthouse, or some other public meeting place designated by the Chairman of the Supervisory Committee. The Chairman of the Supervisory Committee or such other person as may be designated by him, shall preside at such meetings and Roberts' Rules of Order shall be followed in the conduct of such meetings. The members of the Supervisory Committee so elected shall serve for four (4) year terms or until successors are elected and qualified. In the event of a vacancy, such vacancy shall be filled in the same manner as the initial members are elected, to complete the unexpired term. Only full-time permanent employees in each representative class shall be eligible to vote at any such election. The Personnel Department shall certify to the Chairman of the Supervisory Committee the names of all law enforcement officers, fire fighters, and other employees eligible to vote at any such election at least two days prior to the meeting or meetings called for that purpose.

"(c) Except as otherwise provided herein, each member of the Supervisory Committee shall be entitled to cast one vote on any matters considered at any regular or special meeting of the Supervisory Committee. In addition thereto, each jurisdiction in Mobile County under the control of the Mobile County Civil Service System, shall be entitled to cast one additional vote for each 400, or a major fraction thereof, Civil Service employees occupying permanent positions as of December 31st of the year preceding any such meeting of the Supervisory Committee, such additional votes to be cast by the elected official designated in (b) 1 above having appointing authority over such employees in such jurisdiction. All voting of the Supervisory Committee shall be by roll call vote. Voting by proxy shall not be allowed.

"(d) The Presiding Judge of the Circuit Court of Mobile

County shall be Chairman of the Committee and shall be entitled to vote only in case of a tie. The Chairman shall pass upon the credentials and right of each person to sit thereon. He shall be the sole judge of the number of votes a member of the Committee shall have as provided for in Subsection (c) above. The Chairman shall call the first organizational meeting of the Supervisory Committee hereby created as soon as practicable after this Act becomes effective. In his call, he shall specify the date and hour of the meeting and designate the place thereof, and shall mail a copy thereof to each member of the Committee. At its first meeting, the Committee shall adopt such rules, regulations and modes of procedure as it deems expedient to enable it to dispatch its business in an orderly manner, and, thereafter, from time to time, the Committee may amend or rescind such rules, regulations and modes of procedure or adopt additional ones. In addition to the organizational meeting hereby prescribed, the Committee shall meet on the 1st Tuesday in March of each year, unless such day is a legal holiday, in which event the annual meeting of the Committee shall be held on the day following the legal holiday. In addition to these meetings, the Committee may hold special meetings on the call of the Chairman or any seven members thereof. All meetings of the Committee shall be held at the County Courthouse or some other public place designated by the Chairman. Notice shall be given of all meetings and shall be signed by the person or persons calling such meeting and shall state briefly the purposes of the meeting; shall be mailed to each person registered as a member of the Committee or known to be such, and shall also be published once each day for three consecutive days immediately preceding such meeting in some daily newspaper published in Mobile County. Notice of the annual meeting shall be given in like manner, but failure of any member to receive notice by mail of any such meeting, either annual or special, shall not invalidate it. Provided that at any regular or special meeting of the Committee a day may be set for the next meeting of said Committee and in this event no further notice of such meeting shall be required. A majority of the persons then serving as members of the Committee shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by rules and regulations of the Committee. The Supervisory Committee shall serve without compensation.

“(e) At each meeting of the Supervisory Committee it shall make such recommendations to the Personnel Board as it shall deem in the interest of the sound administration of this Act in Mobile County and shall fill any existing vacancy on the Board, and shall elect a successor to any member of the Board

whose term will expire before the next annual meeting of the Committee. The Committee shall review the rules of the Personnel Board promulgated since the last annual meeting of the Committee, and may, by a two-thirds (2/3) vote of the entire Committee, repeal any such rule of the Personnel Board which it may deem not in the best interest of the sound administration of this Act, but shall not have the power to amend any such rule or to promulgate any new rule within the province of the Personnel Board to adopt according to the provisions of this Act. The word 'rule' shall not be construed to mean orders, actions or decisions of the Personnel Board made in the administration of this Act."

Section 2. Section VII of Act No. 470, H. 952 of the Regular Session of 1939, (Local Acts, 1939, page 298) which creates and establishes the county-wide Civil Service System in Mobile County, Alabama, is hereby amended to read as follows:

"Section VII, (a). The Personnel Board shall consist of five members designated respectively as Member Number 1, Member Number 2, Member Number 3, Member Number 4 and Member Number 5, each of whom shall be over 19 years of age, of recognized good character and ability, a qualified elector of Mobile County, and shall not, when appointed, nor for three years then next preceding the date of his appointment have held public office, nor have been a candidate for such. If any person actively solicits a position on such Board, the committee shall, for this reason, refuse to consider his appointment. After the effective date of the 1976 Amendment hereto, each member must be a resident of his respective district, as hereinafter provided, at the time of his appointment and for the duration of his term; provided however, that those members in office on the effective date of said Amendment may serve out the remainder of their then unexpired terms without regard to their respective districts of residence. Members shall be appointed from the following districts:

"1. Member Number 1 shall be appointed from Personnel Board District 1, which shall include that part of Mobile County that is included in House Districts 95 and 96 and all of House District 97;

"2. Member Number 2 shall be appointed from Personnel Board District 2, which shall include all of House Districts 100 and 101;

"3. Member Number 3 shall be appointed from Personnel Board District 3, which shall include all of House Districts 102 and 103;

"4. Member Number 4 shall be appointed from Person-

nel Board District 4, which shall include all of House Districts 104 and 105;

"5. Member Number 5 shall be appointed from Personnel Board District 5 which shall include all of House Districts 98 and 99.

"The initial term of Member Number 4 shall be for a term of two years beginning September 15, 1976 and until his successor is appointed and qualified. The initial term of Member Number 5 shall be for a term of four years beginning on September 15, 1976 and until his successor is appointed and qualified. Thereafter, all members shall be appointed for five years terms. In the event of a vacancy on the Board occasioned by death, resignation, impeachment or other cause, such vacancy shall be filled by the appointment of a qualified successor by the Supervisory Committee for the then unexpired term. Each member of the Board shall receive \$35.00 for each meeting of the Board attended by him and \$35.00 per day for attendance upon trials and hearings, provided, however, no member shall receive more than \$175.00 compensation for service during any one month. This compensation shall be paid the same as other expenses of the Department are paid.

"The Board shall meet once a month on dates to be fixed by its rules and regulations and as much oftener as shall be necessary for the orderly dispatch of its business.

"(b) DUTIES OF THE BOARD: It shall be the duty of the Board as a body:

"1. To select a Personnel Director as hereinafter provided in Section 8 of this Act.

"2. After a Public Hearing or Hearings to adopt and amend rules and regulations for the administration of this Act, as hereinafter provided.

"3. After a Public Hearing or Hearing to adopt, modify, or reject such Classification and Compensation Plans for the Classified Service together with Rules for their administration, as may be recommended by the Director after a thorough survey by him of the personnel and departmental organizations included in such plan or plans.

"4. To make such investigations as, in the Board's opinion, are reasonable, either on petition of a citizen, taxpayer, or party at interest, or of its own motion, concerning the enforcement and effect of this Act, and to require observance of its provisions and the Rules and Regulations made pursuant thereto.

"5. To conduct hearings and to render decisions, as hereinafter provided, on charges preferred against persons in the Classified Service.

"6. To make such investigations as, in the Board's opinion, are reasonable, as may be requested by the governing bodies of the County or of any City therein or by the Supervisory Committee and to report thereon to the governing body or Committee requesting same.

"7. To consider and act on such matters as may be referred to the Board by the Director.

"8. To represent the public interest in the improvement of personnel administration in the Classified Service.

"(a) To formulate and conduct orientation seminars on a regular monthly basis open to all job applicants for the purpose of familiarizing applicants with testing methods, procedures and general subject range.

"(b) To devise and implement various methods of testing as alternatives to written examinations, which may include, among others, oral and applied skills testing.

"10. To advise and assist the Director in fostering the interest of institutions of learning, civic, professional, and employee organizations in the improvement of personnel standards in the Classified Service.

"11. To elect at the regular monthly meeting in April of each year one of its members to serve as Chairman of the Board for the ensuing twelve months. Should the Personnel Board fail to elect the Chairman within thirty days after the regular monthly meeting in April of each year, then such a Chairman shall be elected by the Supervisory Committee of the Mobile County Personnel Board.

"12. Whenever by law or Rules of the Personnel Board any positions in the service of Mobile County or of any municipality or of any other Appointing Authority within Mobile County, are duly transferred to and designated as positions in the Classified Service, or whenever a municipality or other Appointing Authority shall hereafter become subject to the provisions of this Act, if such municipality or Appointing Authority at the time of becoming subject to this Act had in its employment employees or appointees in positions within the Classified Service, as defined in this Act, the Personnel Board may, in its discretion, continue any or all persons employed by the county, a municipality, or other Appointing Authority in the same positions which they, respectively, held when such positions became subject to this Act, without examination. Such employees shall thereby be given a permanent status and their continued employment, promotions and discharges shall in all matters be subject to and governed by this Act. It is the intent of this Act that all present employees or appointees of the

County, any Municipality, Agency or other Appointing Authority who were not in the Classified Service prior to the passage of this Act, may in the Personnel Board's discretion, be blanketed in the Classified Service and continue to hold the same position, which they, respectively, held when such positions became subject to this Act. The Board shall also have the authority, functions and duties as in other sections of this Act provided. It is further the intent of this Act that no employees, appointees of the County, any municipality, agency or other appointing authority shall be a member of both a collective bargaining unit and the classified service.

“(c) STATUS OF FUTURE EMPLOYEES: In the event that it both happens (1) that a municipality or other governmental agency hereafter becomes subject to the provisions of this Act, and (2) that at the time such municipality or other governmental agency becomes subject to the provisions of this Act it then has in its employ employees or appointees who would come within the classified service as defined in this Act, the Board, in its discretion, may extend or grant permanent status to any or all such employees or appointees or require such evidence of fitness and ability it may deem necessary. All such employees given permanent status shall thereafter in all matters be subject to and governed by the provisions of this Act and any rules and regulations promulgated hereunder.

“(d) GRIEVANCES: The Board shall provide a meaningful and orderly procedure for the resolutions of employee grievances.

“(e) EMPLOYEE-EMPLOYER RELATIONS: The Board is hereby empowered to provide an orderly procedure for discussion of matters which will improve and maintain a harmonious employee-employer relationship in all jurisdictions under the Mobile County Personnel Board. The Board shall be empowered to establish an employee-management committee for any governmental agency whose employees are under Civil Service and it shall be empowered to determine the composition, functions and operations of such committees. All governmental agencies whose employees are under Civil Service shall cooperate with the Personnel Board to further these objectives.

“(f) EMPLOYEE TRAINING: The Personnel Board has the inherent responsibility for establishing an overall policy relative to the pretraining and development of employees in the public service. The Board shall adopt rules and regulations in cooperation with the appointing authorities as well as administrative guidelines to carry out its responsibility hereunder. The various governmental agencies, appointing authorities and department heads under the jurisdiction of the Mobile County Personnel Board shall cooperate fully with the Personnel Board

infurtherance of these objections so that the disadvantaged will be provided opportunities for employment.

“(g) **SAFETY:** The Director of Personnel, under the supervision of the Personnel Board, shall be responsible for developing and maintaining programs for improving safety practices and conditions affecting the safety, health and morale of employees under the Mobile County Personnel System.

“(h) The members of the Personnel Board shall be subject to impeachment for the same causes and in the same manner as other officers, as provided under Section 175 of the Constitution of Alabama.”

Section 3. Section VIII of Act No. 470, H. 952 of the Regular Session of 1939, (Local Acts, 1939, p. 298) which creates and establishes the county-wide Civil Service System in Mobile County, Alabama, is hereby amended to read as follows:

“Section VIII. The Board shall elect and fix the salary of the Director who shall hold office at the will of the Board. The Board shall prescribe such qualifications as to residence, education, and experience as may be necessary in its opinion to fill the position of Director. His salary shall be in an amount fixed by the Personnel Board from time to time which shall not be greater than the highest salary paid to any employee holding a position in the classified service of a county or municipality subject to the jurisdiction of this subdivision. The Director, as executive head of the Department, shall direct and supervise all its administrative and technical activities. It shall be his duty to:

“1. Attend all meetings of the Board and provide for recording its official actions, but he shall not have a vote.

“2. Appoint from the Employment Register such employees of the Department, and such experts and special assistants as may be necessary to carry out effectively the provisions of this Act.

“3. Prepare and recommend rules and regulations for the administration of this Act.

“4. Recommend, and on its adoption, establish, administer and execute a classification plan for the Classified Service.

“5. Submit to the Board a pay plan for all positions in the Classified Service.

“6. Conduct tests, formulate employment registers, and certify persons qualified for appointment; devise and administer employee service ratings.

"7. Examine all payrolls or other compensation for personal services within the classified service with authority to disapprove, from time to time, any item or items thereof, and no such item so disapproved in writing by him shall be paid or authorized for payment.

"8. Establish and maintain a roster of all of the officers and employees in the classified service.

"9. Make such reasonable investigations pertaining to personnel, salary scales, and employment conditions in the classified service as may be requested by the Board, the Supervisory Committee, or by the governing bodies of the county or any city therein.

"10. Make investigations concerning the administration and effect of this Act and the rules made thereunder and report his findings and recommendations to the Board.

"11. Make an annual report to the Board.

"12. Perform any other act or acts required of him under this Act or required of him by the Board which may be necessary or proper to carry into effect its purposes and spirit. The Director may join or subscribe to any association or service or publication having as its purpose the interchange or dissemination of information relating to the improvement of personnel administration. When any person serving as Director has attained age 60, and has served for 20 years or more as such Director, or has served for 20 years or more as such Director and as an officer or employee of any governmental body or agency serviced by the Personnel Department provided for in this Act, may upon his election be retired by the Board, with a retirement allowance equal to but not exceeding fifty percent of the amount of the monthly salary paid him for the high five out of the ten years immediately preceding retirement. In computing such retirement allowance any monthly payment received from any employees' pension or retirement plan organized under the laws of the State of Alabama shall first be deducted from the retirement allowance and the balance shall be payable monthly in the same manner and from the same funds as the salaries and other expenses of the Personnel Department are paid. The minimum age for retirement of any person serving as Director shall be 60 years; provided, that it shall be mandatory for any person serving as Director to retire at 70 years of age; provided further, that any person serving as Director who has attained age 50, who has otherwise qualified for retirement, may be retired by the Board if he becomes physically disabled and incapable of performing his duties."

Section 4. The Civil Service System existing at the time of the passage of this Act in Mobile County, Alabama shall be

continued in force and effect under the terms and provisions of this Act, without any change in the rights, status, privileges, duties, benefits or liabilities upon the part of any person or body, except to the extent that the terms and provisions of this Act make such change.

Section 5. No persons shall be denied the opportunity to take any test or examination given under authority of the Mobile County Personnel Board solely because of race, color, creed, national origin, sex or age. No person shall be denied employment within the Mobile County Civil Service System solely because of race, color, creed, national origin, sex or age.

Section 6. The provisions of this Act are Severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with the Act are hereby expressly repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 685

H. 774—Trammell, Biddle, Armstrong,
Waggoner, Starkey, Hopping,
McNair, Boles, Johnson,
Sparks, Goodwin, Coburn,
McNees, Moore (O), Gafford,
Jolly, Greer

AN ACT

To amend Section 413 of Title 37, Code of Alabama, as amended, so as to make the provisions thereof applicable to officers and managerial employees of such corporations holding franchises.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 413 of Title 37, Code of Alabama, as amended, is further amended to read as follows:

“No officer of any municipality shall, during his term of office be an officer, nor be employed in a managerial capacity, professionally or otherwise, by any corporation holding or operating a franchise granted by the city or the state involving the use of the streets of the municipality. This section shall not apply to or affect any attorney or physician employed by the municipality, and any municipality incorporated or organized

under any general, special or local law of the state of Alabama may employ an attorney or physician, or attorneys or physicians, employed by a public utility.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 686

S. 723—Waldrop

AN ACT

To amend Section 1 of Act No. 221, H. 917, Regular Session 1973 (Acts 1973, p. 255) so as to delete the maximum salary requirement of county superintendents of education in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 221, H. 917, Regular Session 1973 (Acts 1973, p. 255) is hereby amended to read as follows:

“Section 1. The salary of the county superintendent of education of any county having a population of not less than 15,400 nor more than 15,625, according to the 1970 or any subsequent federal decennial census shall be determined by the county board of education but shall not be less than \$15,000, such salary to be paid in the same manner as now provided under the general laws of the state for payment of county superintendents of education in the several counties of the state; provided, however, that the county superintendent of education shall, at all times, earn at least \$3,000.00 annually more than the highest paid principal in the school system and any increase in the salary of any principal which brings that principal's salary within \$3,000.00 of the superintendent of education shall automatically cause an increase in the superintendent's salary so that the superintendent's salary will remain at least \$3,000.00 higher than the highest paid principal.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 687

H. 554—Armstrong, Trammell, Boles
AN ACT

To provide a supplemental salary for each elected deputy circuit clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any salary paid by the state, each elected deputy circuit clerk shall be paid a supplemental salary from the county at a rate equal to fifty (50) percent of the supplemental salary paid by the county to each circuit judge. The county commission shall pay such supplemental salary in equal biweekly installments from the general fund of the county. Provided however the total salary of such elected deputy Circuit Clerk shall in no event be in excess of the total salary of the Circuit Clerk of the same Circuit or County.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective January 16, 1977, and upon its adoption and approval by the Governor or upon its otherwise becoming law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 688

H. 36—Crowe

AN ACT

To amend Section 1 of Act No. 106, S. 13, 1971 Regular Session (Acts 1971, p. 373), which is the Alabama Exceptional Child Education Act, so as to include the profoundly retarded child under the provisions of the act and to distinguish and include the partially hearing.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 106, S. 13, 1971 Regular Session (Acts of 1971, p. 373), which is the Alabama Exceptional Child Education Act is hereby amended to read as follows:

“Section 1. Definitions. The following words, terms and phrases used in this act, and other evidently intended as the equivalent thereof, shall in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

“Exceptional Children” means persons between the ages of six and twenty-one years who have been certified under regulations of the State Board of Education by a specialist as being

unsuited for enrollment in regular classes of the public schools or who is unable to be educated or trained adequately in such regular programs including, but not limited to: the mildly and moderately to severely retarded, and also including the profoundly retarded; the speech impaired, the hearing impaired, deaf and partially hearing; the blind and vision impaired; the crippled and those having other physical handicaps not otherwise specifically mentioned herein; the emotionally conflicted; the socially maladjusted; those with special learning disabilities; the multiple handicapped; and the intellectually gifted.

“ ‘Placement Committee’ means a committee so designated and appointed by the superintendent for determining the eligibility of exceptional children for placement in special school programs or classes, which committee shall be composed of representatives from the fields of medicine, education and psychology whenever practicable. Said committee, after study to all data available on each exceptional child, shall make recommendations concerning each child’s admission to a school program or class or withdrawal therefrom.

“ ‘Retarded’ means having subaverage general intellectual functioning which (1) either originates during the developmental period or results from brain damage caused by disease or physical injury occurring subsequent to the developmental period, (2) is associated with impairment in adaptive behavior.

“ ‘School board’ means a county, municipal or other board of education in the State of Alabama and the school district associated therewith.

“ ‘Specialist’ means a physician, psychologist, psychometrist or other professional personnel qualified pursuant to regulations established hereunder by the State Board of Education to examine children for the purpose of determining whether they are exceptional children.

“ ‘Special services’ means services relating to instruction of exceptional children (but not including the instruction itself) including, but not limited to: administrative services, transportation; diagnostic and evaluation services; social services; physical and occupational therapy; job placement; orientation and mobility training; brailist services and materials; typists and readers for the blind; special materials and equipment; and such other similar personnel, services, materials and equipment as may from time to time be approved by regulations adopted hereunder by the State Board of Education.

“ ‘Superintendent’ means the superintendent of a school board.”

Section 2. This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 689

H. 840—Hill

AN ACT

To amend Section 3 of Act No. 551, H. 321, 1967 Regular Session [Acts of 1967, p. 1300; now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 332(3)], entitled "To create and establish the Alabama Council on the arts; to provide for the appointment of its members, their qualifications, terms, duties, authority and making an appropriation therefor"; so as to change the composition of the membership and the terms of office of such council.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 551, H. 321, 1967 Regular Session [Acts of 1967, p. 1300; now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 332(3)], is hereby amended to read as follows:

"Section 3. The term of office of each member shall be six years; provided, however, that of the members first appointed, five shall be appointed for terms of two years, five for terms of four years, and five for terms of six years. The council shall elect a chairman and a vice-chairman from the members of the council to serve at the pleasure of the council. The chairman and vice-chairman shall be the executive officers of the council. The council shall nominate three persons from the same geographical area to replace each of the members whose term of service is expiring, not less than six months prior to expiration of a regular term of service, and promptly upon other occurrences of a vacancy. Vacancies shall be filled by appointment by the Governor from such nominees. The members of the council shall not receive any compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the council."

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 690

H. 276—Sonnier

AN ACT

To provide for the conservation, management, enhancement and protection of marine mammals; to provide enforcement authority and penalties for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. SHORT TITLE. This Act shall be known and may be cited as the "Alabama Marine Mammal Protection Act of 1976."

Section 2. DEFINITIONS. Wherever used in this Act unless a different meaning clearly appears in the context, the following terms shall be given the following respective interpretations:

(a) "Commissioner" means the Commissioner of the Department of Conservation and Natural Resources of the State of Alabama;

(b) "Department" means the Department of Conservation and Natural Resources of the State of Alabama;

(c) The terms "conservation" and "management" mean the collection and application of biological information for the purposes of increasing and maintaining the number of animals within species and populations of marine mammals at the optimum carrying capacity of their habitat. Such terms include the entire scope of activities that constitute a modern scientific resources program, including; but not limited to, research, census law enforcement, and habitat acquisition and improvement. Also included within these terms, when and where appropriate, is the periodic or total protection of species or populations as well as regulated taking;

(d) The term "marine mammal" means any mammal which (A) is morphologically adapted to the marine environment, or (B) primarily inhabits the marine environment; and, for the purposes of this Act, includes any part of any such marine mammal, including its raw, dressed, or dyed fur or skin;

(e) The term "marine mammal product" means any item of merchandise which consists, or is composed in whole or in part, of any marine mammal;

(f) The term "moratorium" means a complete cessation of the taking of marine mammals except as provided in this Act;

(g) The term "optimum carrying capacity" means the ability of a given habitat to support the optimum sustainable population of a species or population stock in a healthy state without diminishing the ability of the habitat to continue that function;

(h) The term "optimum sustainable population" means, with respect to any population stock, the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the optimum carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element;

(i) "Person" means any individual, firm, corporation, association or partnership; or any officer, employee, agent, department or other instrumentality of the Federal Government or of any state government;

(j) The term "population stock" or "stock" means a group of marine mammals of the same species or smaller taxa in a common spatial arrangement, that interbreed when mature.

(k) The term "take" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

(l) Marine Mammal Protection Act of 1972 — Federal law designed to protect and conserve marine mammals as such Act may be subsequently amended.

Section 3. FINDINGS AND DECLARATIONS. The Legislature of Alabama declares that:

(a) Certain species and population stocks of marine mammals are, or may be, in danger of extinction or depletion as a result of man's activities;

(b) Such species and population stocks should not be permitted to diminish beyond the point at which they cease to be a significant functioning element in the ecosystem of which they are a part, and, consistent with this major objective, they should not be permitted to diminish below their optimum sustainable population. Further measures should be immediately taken to replenish any species or population stock which has already diminished below that population. In particular, efforts should be made to protect the rookeries, mating grounds, and areas of similar significance for each species of marine mammal from the adverse affect of man's actions;

(c) There is inadequate knowledge of the ecology and population dynamics of such marine mammals and of the factors which bear upon their ability to reproduce themselves successfully; and

(d) Marine mammals have proven themselves to be resources of great international significance, esthetic and recreational as well as economic, and it is the sense of the Legislature that they should be protected and encouraged to develop to the greatest extent feasible commensurate with sound policies of resource management and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem. Whenever consistent with this primary objective, it should be the goal to obtain an optimum sustainable population keeping in mind the optimum carrying capacity of the habitat.

Section 4. MORATORIUM AND EXCEPTIONS:

(a) There shall be a moratorium on the taking of marine mammals and marine mammal products, except: Marine mammals may be taken pursuant to a permit issued by an appropriate Federal agency as provided in the Marine Mammal Protection Act of 1972 and the regulations promulgated thereunder.

(b) Nothing in the Act shall prevent a State or local government official or employee, in the course of his duties as an official or employee, from taking a marine mammal in a humane manner if such taking is for the protection or welfare of such mammal or for the protection of the public health and welfare and includes steps designed to assure the return of such mammal to its natural habitat.

Section 5. PROHIBITIONS

Except as provided for by an international treaty, convention or agreement to which the United States is a party or by any statute implementing any such treaty, convention or agreement, it shall be unlawful:

(a) For any person or vessel or other conveyance to take any marine mammal in waters or on lands under the jurisdiction of Alabama; or

(b) For any person to use any port, harbor, or other place under the jurisdiction of Alabama for any purpose in any way connected with the taking of marine mammals or marine mammal products; or

(c) For any reason, with respect to any marine mammal taken in violation of this Act and regulations promulgated thereunder, or the Marine Mammal Protection Act of 1972 and regulations promulgated thereunder —

1. to possess any such mammal; or
2. to transport, sell, or offer for sale any such mammal or any marine mammal product made from any such mammal; or

(d) For any person to use, in a commercial fishery, any means or methods of fishing in contravention of any regulations or limitations, issued by the Secretary of Commerce or the Commissioner to achieve the purposes of this Act.

Section 6. RULES AND REGULATIONS. The Commissioner shall have power and authority to establish such rules and regulations necessary to carry out the purpose of this Act.

Section 7. PENALTIES AND ENFORCEMENT.

(a) Any person who violates a provision of this Act or any regulation promulgated pursuant to this Act, or of the Marine Mammal Protection Act of 1972 or regulations promulgated thereunder or who fails to procure or violates the terms of any permit issued pursuant thereto, shall upon conviction be fined not less than \$50 nor more than \$500 or be imprisoned not more than six months or both.

(b) Any officer employed and authorized by the Commissioner or any law enforcement officer of the State or of any municipality or county within the State shall have authority to conduct searches as provided by law, and to execute a warrant to search for and seize any equipment, business records, merchandise or marine mammal taken, used, or possessed in connection with a violation of any section of this Act. Any such officer or agency may, without a warrant, arrest any person who such officer or agent has probable cause to believe is violating, in his presence or view, any such section, or any regulation or permit provided for by this Act. Any officer or agent who has made an arrest of a person in connection with any such violation may search such person or business records at the time of arrest and may seize any marine mammal, records, or property taken, or used in connection with any such violation.

(c) Equipment, merchandise, marine mammals, or records seized under provisions of subsection (b) of this section shall be held by an officer or agent of the Department pending disposition of Court proceedings, and thereafter be forfeited to the State for destruction or disposition as the Commissioner may deem appropriate; provided, however, that prior to forfeiture, the Commissioner may direct the transfer of marine mammals so seized to a qualified geological, education, or scientific institution for safe keeping, cost thereof to be assessable to the defendant. The Commissioner is authorized to promulgate regulations to implement this subsection.

(d) All monies arising under the provisions of this Act from fines and forfeitures shall be deposited to the credit of the Seafoods Fund.

Section 8. APPLICABILITY. This Act shall not apply with respect to any marine mammal taken before the effective date of this Act, to any marine mammal product consisting of, or composed in whole or in part of, any marine mammal taken before such date or to any marine mammal unintentionally taken during the construction of any highway or utility facility.

Section 9. FUNDING. The cost of programs established under this Act shall be borne by sources separate and apart from those presently accruing to the Seafoods Fund.

Section 10. SEVERABILITY CLAUSE. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. REPEALER CLAUSE. All laws and parts of laws which conflict with this Act are hereby expressly repealed.

Section 12. EFFECTIVE DATE. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 691

H. 740—Sasser, Williams

AN ACT

To establish the Helicopter Pilots International, Inc., a non-profit association of licensed helicopter pilots, as an independent state agency under the overall supervision of the state superintendent of education for the purpose of offering instruction and carrying out an educational program for the training of helicopter pilots; to prescribe its powers, functions and duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The Helicopter Pilots International, Inc., a non-profit association of licensed helicopter pilots, is hereby constituted and made a permanent agency of the State of Alabama.

Section 2. The Board of Directors of said association shall, under the overall direction and supervision of the state superintendent of education, carry out and execute all powers and

duties assigned under this act to the Helicopter Pilots International, Inc., a non-profit association.

Section 3. Said association is hereby charged with the duty of establishing, and is hereby granted all powers, rights, duties and functions to carry out, a program of education and instruction for the training of helicopter pilots and to operate a school for such purposes. Said association is hereby authorized and empowered to employ such persons and acquire such real and personal property as is necessary to carry out such a program.

The Board of Directors of said association shall formulate such rules and regulations as are necessary to carry out their functions and duties so long as such rules and regulations do not conflict with the provisions of this act or any other act of this state.

Section 4. There is hereby created in the state treasury a special fund to be known as The Helicopter Pilots Education and Instruction Fund which shall consist of all monies appropriated to said agency from any source whatsoever, or federal grants received by said agency, income from fees and tuition, sales of materials, usage and rental fees, sale of assets, royalties and patents and copyrights and all fees, receipts or income from any other source whatsoever. All sums placed in said fund are hereby made a continuing and ongoing appropriation to the use of the Helicopter Pilots International, Inc., a non-profit association, and shall be used to carry out any of the purposes, functions and duties of said agency.

Section 5. Said association is hereby designated as the official agency of the State of Alabama to receive any surplus aircraft and related equipment from the federal government or any agency thereof and to receive any grants, allotments or allocation of any public funds for the purpose of carrying out a program of education and instruction of helicopter pilots or helicopter mechanics, maintenance and support personnel.

Section 6. The supervision of the state superintendent of education in regard to Helicopter Pilots International is limited to their school and educational activities authorized under the provisions of this bill and shall not extend to any other of the activities or business of said Helicopter Pilots International, Inc.

Section 7. The board of directors of Helicopter Pilots International, Inc. shall appoint a board of special directors for the operation and control of the school and educational programs prescribed by this act. Said special board of directors shall consist of any number of directors not exceeding five in number.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 692

H. 803—White

AN ACT

To provide a right of subrogation for the State of Alabama for certain payments made for recipients under the Alabama Medicaid Program, including means for enforcement of such right.

Be It Enacted by the Legislature of Alabama:

Section 1. If medical assistance is provided to a recipient under the Alabama Medicaid Program for injuries, disease or sickness caused under circumstances creating a cause of action in favor of the recipient against any person, firm, or corporation, then the State of Alabama shall be subrogated to such recipient's rights, and shall be entitled to recover the proceeds that may result from the exercise of any rights of recovery which the recipient may have against any such person, firm, or corporation, to the extent of the actual amount of the medical assistance payments made by the Alabama Medicaid Program. The recipient shall execute and deliver instruments and papers to do whatever is necessary to secure such rights and shall do nothing after said medical assistance is provided to prejudice the subrogation rights of the State of Alabama.

Section 2. The State of Alabama may, to enforce such rights, (a) institute and prosecute legal proceedings against any such person, firm, or corporation, against whom such recovery rights arise; (b) intervene or join any action or proceeding brought by such recipient against such person, firm, or corporation; and (c) compromise or settle any such claim. No action taken by the State of Alabama shall operate to deny such recipient's recovery for that portion of his damages not subrogated to the State of Alabama hereunder, and no action of the recipient shall prejudice the State's subrogation rights.

Section 3. Any such recipient seeking to recover damages relating to or in any wise connected with such circumstances giving rise to recovery rights, who institutes any suit against such party, shall within ten days of filing thereof, provide the Director of the Alabama Medicaid Program and the Attorney General of the State of Alabama (a) written notice thereof, and (b) a copy of the complaint and all amendments thereto.

Section 4. This Act shall become effective immediately upon approval by the Governor or its otherwise becoming law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 693

H. 848—Killian, Falkenburg, White, Pegues

AN ACT

To provide for relief of any employee of the Medical Services Administration and any other state employee who has the authority to investigate and bring charges against doctors or providers of health care relating to medicaid payments and cases of alleged fraud or abuse of the medicaid program from civil liability arising from said investigation or charges, and also to amend Section 2 of Act No. 2277, S. 177, Alabama Acts 1971, p. 3668 to cover review of medical services furnished to private patients.

Be It Enacted by the Legislature of Alabama:

Section 1. Any employee of the Medical Services Administration and any other state employee who has the authority to investigate and bring charges against doctors or providers of health care relating to medical payments and cases of alleged fraud or abuse of the medicaid program shall be relieved and exempt from civil liability arising from said investigation or charges so long as such investigation and charges have been made in good faith without malice and on the basis of facts reasonably known or reasonably believed.

Section 2. That Section 2 of Act No. 2277, S. 177, Alabama Acts 1971, p. 3668, appvd. Oct. 1, 1971, be and the same is hereby amended to read as follows:

Section 2. Within the words and meaning of this Act a committee shall include one formed or appointed as a Utilization Review Committee, or similar committee, or committee of similar purpose, to evaluate or review the diagnosis or treatment or the performance of medical services which are performed with respect to private patients or under public medical programs of either State or Federal design, with respect to any physical or mental disease, injury, or ailment or to de-

fine, maintain, or apply the professional or medical standards of the Association, Society, Hospital, Clinic or medical staff from, by or for which it was appointed."

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 694

H. 942—Smith (C)

AN ACT

To amend Code of Alabama 1940, Title 40, Section 1 and Act No. 431, S. 155, Regular Session 1943, [Acts 1943, p. 400, now appearing in Code of Alabama, Recompiled 1958, Title 40, Section 21], entitled "An Act To provide for the appointment by the Governor of a competent number of notaries public for the state at large; to fix their term of office and to define their jurisdiction, power and authority and to provide for making of bond and the adoption of a seal," as amended, to require the probate judge, upon issuance of a notary public commission, to report such to the secretary of state.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 40, Section 1 is amended to read as follows:

"Section 1. A competent number of notaries public for each county shall be appointed and commissioned by the judges of probate of the several counties of the state and shall hold office for four years from the date of their commissions. The judges of probate shall collect a fee of \$1.00 for each such notary commission issued. The judges of probate shall also report to the secretary of state the name, county, date of issuance and date of expiration of the commission of each notary public appointed under this Section."

Section 2. Section 1 of Act No. 431, S. 155, Regular Session 1943 (Acts 1943, p. 400, now appearing in Code of Alabama Recompiled 1958, Title 40, Section 21) is amended to read as follows:

"Section 1. A competent number of notaries public for the state at large shall be appointed and commissioned by the judges of probate of the several counties of the state, and shall hold office for four years from the date of their commission. Such notaries public for the state at large shall perform all the acts and exercise all authority now performed and exercised by notaries public under the general laws of the State of Alabama; the jurisdiction of such notaries public shall not be limited to the counties of their residence but shall extend to any county of the state. The judges of probate shall collect a fee of one dollar (\$1.00) for each such notary commission issued. The judges of probate shall also report to the secretary of state the name, county of residence, date of issuance and date of expiration of the commission of each notary public appointed under this Section and the fact that said notary was appointed for the state at large."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 695

H. 1039—Robertson, Johnson, Lee, Clark,
Howard, Owens

AN ACT

To name the music and speech building on the campus of The University of Alabama Strode Hall in honor of Hudson Strode.

WHEREAS, Dr. Hudson Strode, distinguished senior Professor Emeritus of The University of Alabama and native Alabamian exemplifies the highest and best in teaching, that of attracting great talent, painstakingly demanding and inspiring their greatest effort, and producing quality students in his field of creative writing who have made a great contribution to our state and nation; and

WHEREAS, in addition to his teaching he is a distinguished author whose works included the definitive four volume biography of Jefferson Davis, and also has attained renown as an editor, critic, lecturer, actor, and world traveler; and

WHEREAS, The Board of Trustees of The University of Alabama, recognizing his contributions, have taken action naming the music and speech building on its campus in Tuscaloosa, Alabama, Strode Hall, in his honor, subject to authorization and approval of the Legislature; and

WHEREAS, this Legislature deems it fitting that this facility should bear the name of this great Alabamian; now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. The music and speech building on the campus of The University of Alabama is hereby named Strode Hall in honor of Hudson Strode, Professor Emeritus of The University of Alabama.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 696

H. 1270—Greer, Hill, Coburn

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of St. Florian in Lauderdale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of St. Florian, Lauderdale County are hereby altered, rearranged and extended so as to include within the corporate limits of the city, in addition to the area now embraced within such corporate limits of the city, a tract of land more particularly described as follows: The northeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$, the southeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$, the northwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$, the southwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$, and the northwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$, all in Section 20, Township 2 South, Range 10 west, Lauderdale County, Alabama, more fully described as follows: Begin at the northeast corner of the northwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of said Section 20; thence south along the east line of said northwest $\frac{1}{4}$ of northeast $\frac{1}{4}$, southwest $\frac{1}{4}$ of northeast $\frac{1}{4}$, and northwest $\frac{1}{4}$ of southeast $\frac{1}{4}$, 4100 feet more or less to the southeast corner of said northwest $\frac{1}{4}$ of southeast $\frac{1}{4}$; thence west along the northwest $\frac{1}{4}$ of southeast $\frac{1}{4}$, 1250 feet or less to the southwest corner of said northwest $\frac{1}{4}$ of southeast $\frac{1}{4}$; thence north along the west line of said northwest $\frac{1}{4}$, 1320 feet more or less to the northwest corner of said northwest $\frac{1}{4}$, hence west along the south

line of the southeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$, 1320 feet more or less to the southwest corner; thence north along the west line of the southeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$, and the northeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$, 2900 feet more or less to the center of Eck Road, being the northwest corner of the northeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$; thence east along said road 2640 feet to the point of beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 697

H. 1271—Coburn, Hill, Greer

AN ACT

Relating to Lauderdale County; amending Section 1 of Act No. 462, H. 1170 of the 1975 Regular Session (Acts 1975, Vol. II, p. 1088) so as to set the salary of the clerk of the jury commission who inadvertently was omitted from said Act; making such salary retroactive to March 1, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 462, H. 1170 of the 1975 Regular Session (Acts 1975, Vol. II, p. 1088) is hereby amended so as to read as follows:

“Section 1. Each member of the Jury Commission and the clerk thereof of Lauderdale County shall be paid the sum of \$20 per day for the time actually engaged in the discharge of his duties as such member, to be paid out of the county treasury upon the warrant of the Probate Judge of the county. Such warrants shall be issued by such Probate Judge upon evidence satisfactory to him that such service has been rendered, but the compensation of each member of the commission shall not exceed \$1200 for any one year of his term.”

Section 2. This amendatory Act is retroactive to March 1, 1975.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 698

H. 1273—Williams, Sasser

AN ACT

To amend Section 2 of Act No. 74, H. 39 of the Special Session of 1967 (Acts 1967, p. 105), as amended, entitled “An Act To apply only

in Dale County; creating a board of jury supervisors in lieu of the jury commission; providing for the transfer of the power, authority, duties and jurisdiction of the jury commission to said board, and abolishing the commission; providing for the organization of the board and the times of its meetings; providing for the appointment of the members and a clerk for said board and prescribing their terms, duties and compensation," so as to decrease the membership of this board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 74, H. 39 of the Special Session of 1967 (Acts 1967, p. 105), as amended is hereby amended to read as follows:

"Section 2. The board of jury supervisors shall be composed of five members, with each county commissioner's district to be represented in the membership of the board by a qualified elector of the district. Such members of the board together with a clerk for the board shall be appointed by the Governor for and only during the tenure of office of the Governor making the appointment and until their successors are appointed and qualified. Said clerk shall take the oath of office, assist the members of the board in maintaining adequate and sufficient names on the jury rolls, and perform all the duties now required by law of clerks of jury boards and jury commissions in this State. Said clerk shall receive for his services a salary of fifty (\$50) per month, to be paid out of the county treasury upon the order of the president of the board of jury supervisors."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 699

H. 183—Falkenburg, Gafford, Roberts

AN ACT

To amend Act No. 1407 passed in the Regular Session of the 1971 Legislature (Acts p. 2378) and approved September 16, 1971 called the Alabama Controlled Substances Act, to provide that the State Board of Medical Examiners shall be a certifying board and that certifying boards can charge reasonable fees to defray expenses.

Be It Enacted by the Legislature of Alabama:

Section 1. That Subsection (d) of Section 101 of Act No. 1407, Regular Session, 1971, be and the same is hereby amended to read as follows:

Section 101. (Definitions.) as used in this Act:

(d) "Certifying boards" means the State Board of Medical Examiners, the State Board of Health, the State Board of Pharmacy, the State Board of Dental Examiners, and the State Board of Veterinary Medical Examiners.

Section 2. That Section 301 of Act No. 1407, Regular Session, 1971, be and the same is hereby amended to read as follows:

Section 301. (Rules — Charges; generally.)

The certifying boards shall promulgate rules and charge reasonable fees to defray expenses incurred in registration and compliance to this Section in regard to the administering, dispensing, or distribution of controlled substances within the State. The fees collected to defray expenses shall be retained by the certifying boards.

Section 3. That Subsection (a) of Section 303 of Act No. 1407, Regular Session, 1971, be and the same is hereby amended to read as follows:

Section 303. (Registration.)

(a) The certifying boards shall register only an applicant certified by their respective boards to manufacture, dispense, or distribute controlled substances enumerated in Schedules I, II, III, IV, and V. Provided further, the State Board of Pharmacy shall register all manufacturers and wholesalers unless they determine that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the above mentioned Boards shall consider the following factors:

(1) maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable State and local law;

(3) any convictions of the applicant under any Federal and State laws relating to any controlled substance;

(4) past experience in the manufacture or distribution of controlled substances and the existence in the applicant's establishment of effective controls against diversion;

(5) furnishing by the applicant of false or fraudulent material in any application filed under this Act;

(6) suspension or revocation of the applicant's Federal registration to manufacture, distribute, or dispense controlled substances as authorized by Federal law, and

(7) any other factors relevant to and consistent with the public health and safety.

Section 4. That Section 306 of Act No. 1407, Regular Session, 1971, be and the same is hereby amended to read as follows:

Section 306. (Records of Registrants.)

Persons registered to manufacture, distribute, or dispense controlled substances under this Act shall keep records and maintain inventories in conformance with the record keeping and inventory requirements of Federal law and with any additional rules the State Board of Medical Examiners, State Board of Health, and the State Board of Pharmacy issues.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws in conflict with the enactments herein are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 700 H. 737—Moore (O), Waggoner, Smith (C)
AN ACT

Relating to Shelby County, Alabama; to provide for the total rehabilitation of certain persons, including, but not limited to, mental and emotionally disturbed inmates, both male and female, convicted of any type crime and sentenced to a term of commitment in the county jail of Shelby County; or any inmates incarcerated in the Shelby County Jail.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to Shelby County, Alabama.

Section 2. Definitions, as used in this Act, certain terms shall have the following meaning:

(1) "Board" shall mean County Rehabilitation Board composed of the District Attorney, the Sheriff, the Circuit Clerk, and a Mayor of a municipality within Shelby County, to be

appointed by the majority of the mayors of Shelby County for a four year term to be appointed by the Sheriff.

(2) "Inmate" shall mean a person either male or female convicted of a crime and sentenced to a term of confinement in the county jail, or any other inmate otherwise incarcerated in the Shelby County Jail.

Section 3. Extended Limits of Confinements. The Board shall adopt regulations and policies permitting the Sheriff to extend the limits of the place of confinement of an inmate, as to whom there is reasonable cause to believe he will know his trust; by authorizing him under prescribed conditions; to leave the confines of the county jail unaccompanied by a custodial agent for a prescribed period of time to work at paid employment, while continuing as an inmate in the county jail in which he shall be confined except during the hours of his employment, and travelling thereto and therefrom, also to change said inmates place of confinement upon written approval of the sentencing judge, if inmate has been sentenced; and if inmate has not been sentenced then by a sentencing Judge within this jurisdiction. Inmates shall participate in paid employment at the discretion of the Board, provided however that the sentencing Judge shall approve in writing the program adopted for such inmate by the Board.

Section 4. Wages. The employer of an inmate involved in the work release program shall pay the inmate's wages direct to the Board. The Board may adopt regulations concerning the disbursement of any earnings of the inmates involved in the work release program the Board is authorized to withhold from an inmate's earnings 20 percent of his or her gross earnings to pay such cost incident to the inmate's confinement, including but not limited to, matching any Federal or State grants; which may be available in relation to the purposes of this act. After 20 percent has been deducted from the inmate's gross pay the remainder of the inmate's earnings shall be credited to his account in a local bank, and upon his release from confinement shall be turned over to the inmate. The Board may elect, however to pay any amount up to the remaining of the inmate's earnings to his family to be used by them for their support while the inmate is confined, provided the inmate consents to such payment.

Section 5. Escape. The willful failure of an inmate to remain within the extended limits of his confinement or to return to the county jail within the time prescribed by the Sheriff shall be deemed as an escape from the custody of the Sheriff and shall be punishable as prescribed by Title 14, Section 151 (1) Code of Alabama.

Section 6. Investigation and Recommendation. Employees of the Board or persons designated by the Board are authorized to make investigations and recommendations pertaining to the validity of request for job opportunities for inmates and to otherwise assist the Sheriff in the implementation of the program herein authorized.

Section 7. Securing Employment. The Board or members of the Board or persons designated by the Board are authorized to make investigations and recommendations pertaining to the validity of request for job opportunities for inmates and to otherwise assist the Sheriff in the implementation of the program herein authorized.

Section 8. Securing Employment. The Board or members of the Board shall endeavor to secure employment for eligible inmates under the Act subject to the following:

(1) Such employment must be at a wage at least as high as the prevailing wage for similar work in the area or community where the work is performed in accordance with the prevailing working conditions in such area;

(2) Such employment shall not result in displacement of employed workers;

(3) Inmates eligible for work release shall not be employed as strike-breakers or in impairing any existing contracts;

(4) Exploitation of eligible inmates, in any form, is prohibited either as it might effect the community, the inmates, or the Board.

Section 9. Education. The Board, at its discretion, may also allow an inmate to participate in the release program to further the inmates vocational education. Under this section the inmate must follow all the rules and regulations prescribed for other inmates participating in the work release program. The Board may also upon recommendation of the County Mental Health office and written approval of the sentencing Judge, allow an inmate to be voluntarily committed to a mental facility or committed otherwise upon approval of the above authorities as designated in Section 3.

Section 10. Furloughs. The Board may adopt rules and allow the Sheriff to grant furloughs or leave time not to exceed three consecutive days or 72 hours to inmates who the Board deems are deserving, upon approval of any Judge with the power to sentence within these jurisdictions.

Section 11. Inmate Not an Agent of State or County. No inmate granted privileges under the provisions of this Act shall

be deemed to be an agent, employee, or involuntary servant of the Board, State, or County, while involved in the free community or while going to and from employment, or other specified areas or while on furlough.

Section 12. Reports. The Sheriff or persons designated by the Board shall prepare an annual report to be filed with the Board not later than sixty days from the close of each fiscal year showing the operations and administrations and suggestions as deemed advisable. The Board shall designate someone to keep such records as they deem appropriate and shall compensate them from the 20% earnings retained from the inmates, or other funds available.

Section 13. The Shelby County Commission is hereby authorized and directed to further implement this program by approving funds made available by LEPA as long as said funds are available.

Section 14. Penalty Clause. Anyone violating any of the provisions of this Act shall be guilty of a misdemeanor.

Section 15. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16. All laws or parts of laws which conflict with this Act are repealed.

Section 17. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 701

H. 743—Albright

AN ACT

Applying to cities having a population of not less than 135,000 nor more than 185,000 according to the 1970 or any subsequent decennial census, to provide that as to "restaurant" liquor licensees with premises located within said municipalities, the definition of the term "restaurant" as defined by Title 29, Section 1, Code of Alabama, 1940, as amended, for the purpose of licensing by the Alcoholic Beverage Control Board shall include, in addition to premises defined by said Title 29, Section 1, premises heretofore licensed by the Alcoholic Beverage Control Board for use by "club" licensees within said municipalities, irrespective of the fact that said premises does not have one thousand square feet of dining area, and irrespective of the fact that tables and chairs accommodating at least fifty persons are not provided, provided that said premises was so licensed for use by "club" licensees on September 19, 1975, and to provide for an effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. In municipalities having not less than 135,000 nor more than 185,000 according to the 1970 or any subsequent Federal decennial census, "restaurant" liquor licensees of the Alcoholic Beverage Control Board located within said municipalities may include, for the purpose of licensing by the Alcoholic Beverage Control Board, those establishments meeting the requirements of the term "restaurant" as defined by Title 29, Section 1, Code of Alabama, 1940, as amended, and in addition, those premises heretofore licensed by the Alcoholic Beverage Control Board for use by "club" licensees within said municipalities, irrespective of the fact that said premises does not have one thousand square feet of dining area, and irrespective of the fact that tables and chairs accommodating at least fifty persons are not provided, provided that said premises was so licensed for use by "club" licensees on September 19, 1975

Section 2. This act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 702

H. 1026—Riddick

AN ACT

To provide that any city which may now or hereafter have a population of not less than 135,000 nor more than 185,000 according to the 1970 or any subsequent federal decennial census and which may now or hereafter have in force and effect a comprehensive zoning ordinance shall provide for the appointment of a Zoning Board of Adjustment; and to prescribe the power, jurisdiction and authority of such Board.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any city which may now or hereafter have a population of not less than 135,000 nor more than 185,000 according to the 1970 or any subsequent federal decennial census and which may now or hereafter have in force and effect a comprehensive zoning ordinance shall provide for the appointment of a Zoning Board of Adjustment and in the zoning regulations and restrictions adopted by such city pursuant to the authority of the laws of this state, provide that such board shall, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning ordinance of such city in harmony with its general purpose and intent, and in accordance with

general or specific rules therein contained. Such board shall consist of five members and each shall hold office for a term of three years or until such time as his successor shall be appointed and qualify, except that the respective terms of the five members first appointed shall be for one, two and three years; provided, members may after a public hearing, be removed for cause by the governing body of the city. Such Board of Adjustment shall adopt rules in accordance with the provisions of the zoning ordinance adopted by such city. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. Such board shall keep minutes of its proceedings showing the vote of each member upon each appeal and upon each question before the board, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved, or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer or such other officer as is charged with the enforcement of the zoning ordinance of the city. Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the Zoning Board of Adjustment a notice of appeal specifying the ground thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Zoning Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property provided, however, that such appeal shall not stay any criminal or quasi-criminal action, nor shall an appeal from an order to cease and desist from the violation of any provisions of the ordinance be stayed by such appeal. In such cases proceedings shall not otherwise be stayed than by restraining order which may be granted by the Zoning Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown. The Zoning Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person

or by agent or by attorney. The Zoning Board of Adjustment shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance of the city. To hear and decide special exceptions to the terms of the zoning ordinance of the city upon which such board is required to pass under such ordinance. To authorize upon appeal in specific cases such variance from the terms of the zoning ordinance of the city as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done, provided, however, that no variance shall be granted under the provisions of this act to allow a structure or use in a district restricted against such structure or use, except as specifically provided for by the zoning ordinance. In exercising the above mentioned powers, such board may, in conformity with the provisions of this act, reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or such other officer as is charged with the enforcement of the zoning ordinance of the city, or to decide in favor of the applicant or any matter upon which it is required to pass under any ordinance of the city or to effect any variation in any such ordinance. The Zoning Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portion thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 703

H. 1033—Callahan, Malone, Cooper, Johnstone, Glass, Sandusky, Sonnier, McCulley, McMillan, Kennedy

AN ACT

To authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding \$12,000,000 principal amount of revenue bonds for the purpose of the improvement of existing seaport facilities and the construction and equipment of additional seaport facilities at the Port of Mobile for the handling and storage of coal, coke, or any other materials in bulk or containers, or any other method of shipment; to provide for the details of the bonds issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the full faith or credit of the State of Alabama, shall bear such rate or rates of interest as may be specified in an order of the Director of the Department without regard to statutory limitations on interest rates, and shall be limited obligations payable solely out of revenues of the Department derived from its special processing charge; the pledge of the special processing charge for payment of the principal of and interest on the bonds issued hereunder and that such pledge will constitute a first charge on the special processing charge so pledged; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing or any pledge or instrument securing the said bonds; to provide that all bonds issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits or funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful for the investment of fiduciary funds; to authorize the investment of proceeds of the bonds not presently needed for the purpose for which they are issued; and to provide that the provisions of this Act shall be severable and any portion hereof that may be held invalid shall not affect the remaining portions.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. When used in this Act, unless the context plainly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“1971 Act” means Act No. 64, enacted at the 1971 First Special Session of the Legislature of Alabama, as amended by Act No. 2306, enacted at the 1971 Regular Session of the Legislature of Alabama.

“Bonds” (except where that word is used with reference to bonds issued under another act) means those bonds at any time issued under the provisions of this Act.

“Department” means the Alabama State Docks Department established by Act No. 103 enacted at the 1955 Regular Session of the Legislature of Alabama, and any department or agency of the State that may succeed to the functions of that Department.

"Director" means the Director of the Department or any person who may succeed to the duties of that office.

"Governor" means the Governor of the State.

"Order" means an order made by the Director and approved by the Governor.

"Seaport Facilities" means any improvements, including any real or personal property, structure, or equipment useful for any one or more of the loading, unloading, storage or other handling of coal, coke or any other materials or products of any kind, and that are useful in promoting, developing and operating seaports within the State.

"Secretary-Treasurer" means the Secretary-Treasurer of the Department, or any person who may succeed to the duties of that office.

"State" means the State of Alabama.

"United States securities" means securities that are direct obligations of the United States of America.

Where used in this Act, words in the present tense shall be construed to include the future tense, the singular shall be construed to include the plural, the plural shall be construed to include the singular, and nouns and pronouns shall be construed to include all genders.

Section 2. Declaration of Legislative Intent. The object of this Act is to enable the Department to procure funds for the improvement of existing Seaport Facilities and the construction and equipment of additional Seaport Facilities in the continued development of the State docks at the Port of Mobile so that the Department will be able to render greater service to shippers and others engaged in international trade. This Act shall be liberally construed in order to effectuate its object.

Section 3. Power to Issue Bonds. The Department, with the approval of the Governor, may from time to time and at any time sell and issue its revenue Bonds, not exceeding \$12,000,000 in aggregate principal amount, for the purpose of providing funds for the improvement of existing Seaport Facilities and the construction and equipment of additional Seaport Facilities at the Port of Mobile together with the expenses incident to the authorization, sale and issuance of the Bonds. The costs of constructing, equipping and improving such Seaport Facilities shall be deemed to include interest that will either accrue or become payable on the Bonds hereinafter authorized during the period required for the construction, improvement and equipment of such Seaport Facilities, plus a period not exceeding six months after the completion thereof.

Section 4. Details Respecting Bonds. The Bonds may be issued in one or more series, shall be in such forms and denominations and of such tenor, shall mature in annual installments the first of which shall mature not later than one (1) year after the estimated date for the completion of the Seaport Facilities financed thereby and the last of which shall mature not later than thirty (30) years from their respective dates, shall bear such rate or rates of interest payable and evidenced in such manner, all as may be provided in the order or orders of the Director in which any of the Bonds are authorized to be issued; provided, that no such order shall be valid without the written approval of the Governor. The said order or orders may provide for any or all of the following: the use and disposition of the special processing charge (hereinafter referred to) of the Department derived from the Seaport Facilities constructed with the proceeds of the Bonds and the proceeds of the bonds authorized and issued pursuant to the 1971 Act; the setting aside of reserves for the Bonds; the disposition and administration of such reserves; limitations on the purpose or purposes to which the proceeds of sale of any of the Bonds may be applied; the procedure, if any, by which the terms of any contract with the holders of any such Bonds may be amended or abrogated; the amount of Bonds the holders of which must consent to such amendment or abrogation; the manner in which such consent may be given; and any other provisions not inconsistent with this Act. In addition to all other charges, the Department is authorized and directed to collect a special processing charge of not more than fifty cents (\$.50) per ton on coal processed by the Seaport Facility, and the proceeds thereof as long as any Bonds issued pursuant to this Act remain outstanding shall be deposited into an account to be established and known as the Alabama State Docks Bulk Handling Facility Expansion Trust Fund for the payment of the principal of and interest on the Bonds, including reserves therefor; provided, however, that upon retirement of the Bonds said special processing charge shall terminate. The said order shall provide for the manner and details of the collection of the special processing charge. The Director shall have the power to prescribe, in the order under which the first series of the Bonds are issued, the terms and conditions under which the Bonds may thereafter be issued for the purposes described in Section 3 of this Act. The Director may at his election retain for the Department in the order or orders under which any of the Bonds are issued an option to redeem all or any thereof at such redemption price or prices and after such notice or notices and on such terms and conditions as may be set forth in such order or orders and as may be briefly recited on the face of the Bonds with respect to which such option or redemption is retained. Any of the Bonds having stated ma-

turities more than ten years after the date thereof shall be made subject to redemption at the option of the Department not later than the end of the tenth year after the date thereof and on any interest payment date thereafter, under such terms and conditions as may be provided in the order or orders authorizing the issuance of such Bonds. The redemption price or prices of Bonds shall not exceed the face amount thereof plus a premium which shall not exceed twelve (12) months' interest thereon.

Section 5. Execution of the Bonds. The Bonds shall be issued in the name of the Department and shall be signed by the Director, and the seal of the Department shall be impressed thereon and attested by the Secretary-Treasurer, and all interest coupons applicable to the Bonds shall be signed by the Director; provided, that the signature of one, but not of both, of the said officers may be printed or otherwise reproduced in facsimile on any of the Bonds in lieu of their being manually signed, the signature of the Director may be printed or otherwise reproduced in facsimile on the interest coupons in lieu of their being manually signed, and the seal of the Department may be printed or otherwise reproduced in facsimile on the Bonds in lieu of being manually impressed thereon, all as may be provided in the order under which the Bonds are issued.

Section 6. Sale of the Bonds. Any of the Bonds may be sold at any time and from time to time in one or more series as the Director may deem advantageous. The Bonds may be sold at either public or private sale, and if at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the Department for the Bonds being sold, computed from the date of those at the time being sold to their respective maturities and taking into account the premium, if any, in excess of their face value bid by the purchaser; provided, that if no bid acceptable to the Department is received it may reject all bids. Notice of each such sale shall be given by publication one time in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication one time in a newspaper that is then published in the State not less than five days during each calendar week. Each such publication shall be made not less than ten days prior to the date fixed for the sale. The terms and conditions under which each such sale may be held shall be fixed in an order made by the Director; provided, that none of the Bonds may be sold for a price less than the face value thereof plus accrued interest thereon to the date of their delivery; and provided further, that such terms and conditions shall not conflict with any of the requirements of this Act. The Bonds shall bear such rate or

rates of interest as shall be specified in said order without regard to any laws of the State of Alabama prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended. Approval by the Governor of the terms and conditions under which any of the Bonds may be issued shall be requisite to their validity. The Governor's approval shall be in writing and shall be entered on the order of the Director in which the Bonds proposed to be issued are authorized. Such approval by the Governor may be shown on any series of the Bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization of such action is contained in the approval signed by him. Neither a public hearing nor consent by the Department of Finance of the State or any other department or agency shall be a prerequisite to the issuance of any of the Bonds.

Section 7. Bonds to be Limited Obligations; Pledge and Appropriation of Certain Revenues Therefor. The Bonds shall never be or constitute a debt of the State within the meaning of any constitutional provisions, and neither the full faith nor the credit of the State shall ever be pledged or utilized therefor. Both the principal of and the interest on the Bonds shall be payable solely out of the special processing charge authorized by this Act and any order of the Director authorizing the issuance of the Bonds may pledge said special processing charge for payment of the principal thereof and interest thereon and when so made such pledge will constitute a first charge on said special processing charge.

Section 8. Notice of Order Authorizing Issuance of Bonds. Upon the entry of any order of the Director providing for the issuance of Bonds, the Department may, in the discretion of the Director, cause to be published once a week for two consecutive weeks, in a newspaper that is customarily published in the State not less than five days in each calendar week, a notice in substantially the following form (the blanks being first properly filled in), to be signed with the printed signature of the Director:

"The Director of ALABAMA STATE DOCKS DEPARTMENT, an agency of the State of Alabama, on the day of, 19....., made an order providing for the issuance of \$..... principal amount of bonds of the Department for the following purpose or purposes. (Here shall be inserted a brief and general description of the purpose of the issue). The said bonds are payable solely from limited sources as described in the said order. Any action or proceeding questioning the validity of the said order or of the said bonds, or the pledge of any instruments securing the said bonds,

must be commenced within twenty days after the first publication of this notice.

ALABAMA STATE DOCKS DEPARTMENT

By:

Director of Alabama State
Docks Department"

Any action or proceeding in any court to set aside or question the order for the issuance of the Bonds referred to in the said notice or to contest the validity of any such Bonds or the validity of the pledge and any instruments made to secure such Bonds must be commenced within twenty days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of said order, the said Bonds or the said pledge or instruments shall be asserted, nor shall the validity of the said order, bonds, pledge or instruments be open to question in any court on any ground whatsoever except in an action commenced within the said twenty day period.

Section 9. The Bonds Shall be Deemed Negotiable, May be Used to Secure Deposits and for Investment of Fiduciary Funds, and With the Income Therefrom Shall be Exempt From Taxation. The Bonds and the income therefrom shall be exempt from all taxation in the State. The Bonds, when unregistered, shall be construed to be negotiable instruments even though they are payable from a limited source. All coupons applicable to the Bonds, while the applicable Bonds are not registered as to both principal and interest, shall likewise be construed to be negotiable instruments although payable from a limited source. Any of the Bonds may be used by the holder thereof as security for the deposit of any funds belonging to the State or to an instrumentality or agency of the State in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law, invest any fiduciary funds in any of the Bonds.

Section 10. Authorization to Invest Bond Proceeds in United States Securities. The Department may, in the discretion of the Director, invest all or any part of the proceeds derived from the Bonds that will not be presently needed for the purposes for which such Bonds were issued. Each such investment may be made only in either (a) United States securities having maturity dates on or prior to the dates on which it is anticipated such proceeds will be needed for the purposes for which the Bonds were issued or (b) certificates of deposit

issued by a bank having its principal office in the State that will be secured by a collateral pledge of United States securities having aggregate face value not less than the amount of the proceeds so invested plus the interest that will become payable on such certificates of deposit at the maturities thereof.

Section 11. Severability Clause. In the event any portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining portions of this Act, which shall continue effective.

Section 12. Effective date. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 704

H. 1038—Dial

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the Town of Waldo, in Talladega County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Waldo in Talladega County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of said town, in addition to the lands now included therein, all of the following territory, to wit:

All of the West half of Section 16 lying South and West of Alabama Highway No. 77, as presently located; all of the East half of Section 17 lying West of Alabama Highway No. 77 as now located of Section 17, Township 19 South Range 6 East, Talladega County, Alabama, LESS AND EXCEPT the property owned by the United States Government designated as Talladega National Forest described as the Southeast quarter of the Southeast quarter; the Southwest quarter of the Southeast quarter and Northwest quarter of the Southwest quarter of Section 17, Township 19 South, Range 6 East.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 705

H. 1054—Turnham

AN ACT

To alter, re-arrange and extend the boundary lines of the City of Auburn, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Auburn, in Lee County, Alabama, be and the same are hereby altered, re-arranged, and extended so as to include, in addition to the territory now embraces therein, the following described property, to-wit:

Begin at a point which is 2770.7 feet North 87 degrees 54 minutes East of the Southwest corner of Section 27, Township 19 North, Range 26 East in Lee County, Alabama, and go thence South 00 degrees 59 minutes East 1578.6 feet to a point on the northerly margin of Hamilton Road; go thence North 80 degrees 27 minutes East along the northerly margin of Hamilton Road a distance of 410.5 feet; go thence North 77 degrees 14 minutes East along the northerly margin of Hamilton Road a distance of 666.3 feet; go thence North 73 degrees 43 minutes East along the northerly margin of Hamilton Road a distance of 854.4 feet; go thence North 75 degrees 30 minutes East along the northerly margin of Hamilton Road a distance of 699.6 feet; go thence North 77 degrees 16 minutes East along the northerly margin of Hamilton Road a distance of 1112.75 feet; go thence North 74 degrees 21 minutes East along Hamilton Road a distance of 310.2 feet to a point made by the intersection of the northerly margin of Hamilton Road and the northeasterly margin of Bent Creek Road; go thence North 24 degrees 44 minutes West along the northeasterly margin of Bent Creek Road a distance of 750.9 feet; go thence in a northwesterly direction along the curve of the northeasterly margin of Bent Creek Road for a distance of 328.97 feet, said curve having a radius 897.55 feet, a chord bearing of North 35 degrees 15 minutes West and a chord distance of 326.73 feet; go thence North 00 degrees 24 minutes West, a distance of 547.9; go thence North 05 degrees 16 minutes West a distance of 544.7 feet; go thence North 61 degrees 19 minutes West, a distance of 677.1 feet; go thence North 72 degrees 49 minutes West a distance of 210.4 feet; go thence North 86 degrees 18 minutes West a distance of 165.4 feet; go thence South 73 degrees 51 minutes West a distance of 33.9 feet to a point on the eastern boundary of Section 27; go thence due South along said Section line a distance of 1700.0 feet, more or less, to the Southeast corner of Section 27; go thence South 87 degrees 54 minutes West a distance of 2640 feet, more or less, to the point of beginning.

Section 2. This Act shall become effective on its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 706

H. 1055—Turnham

AN ACT

To alter, re-arrange and extend the boundary lines of the City of Opelika, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Opelika, in Lee County, Alabama, be and the same are hereby altered, re-arranged, and extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit:

Begin at the Northeast corner of Section 26, Township 19 North, Range 26 East in Lee County, Alabama, go thence South 67 degrees 05 minutes West a distance of 887.3 feet to a point on the westerly margin of Hamilton Road; go thence in a south-westerly direction along the curve of the westerly margin of Hamilton Road for a distance of 596.4 feet, said curve having chord bearing of South 04 degrees 12 minutes West; go thence along the westerly margin of Hamilton Road South 02 degrees 13 minutes East a distance of 159.4 feet; go thence in a south-easterly direction along the curve of the westerly margin of Hamilton Road for a distance of 541.7 feet, said curve having a chord bearing of South 08 degrees 26 minutes East; go thence along the westerly margin of Hamilton Road South 15 degrees 05 minutes East a distance of 362.4 feet; go thence in a south-easterly direction along the curve of the westerly margin of Hamilton Road for a distance of 558.2 feet, said curve having a chord bearing of South 10 degrees 56 minutes East; go thence along the westerly margin of Hamilton Road South 06 degrees 47 minutes East for a distance of 383.8 feet; go thence in a southeasterly direction along the curve of the westerly margin of Hamilton Road for a distance of 696.3 feet, said curve having a chord bearing of South 04 degrees 57 minutes East; go thence South 03 degrees 10 minutes East along the westerly margin of Hamilton Road for a distance of 475.9 feet; go thence in a southwesterly direction along the curve of Hamilton Road, said curve having a chord bearing of South 28 degrees 53 minutes

West and a chord distance of 1171.7 feet; go thence South 60 degrees 57 minutes West along the northwesterly margin of Hamilton Road for a distance of 2,475.9; go thence in a southwesterly direction along the curve of the northwesterly margin of Hamilton Road said curve having a chord bearing of South 65 degrees 09 minutes West and a chord distance of 330.1 feet, to a point made by the intersection of the northwesterly margin of Hamilton Road and the northeasterly margin of Bent Creek Road; go thence North 24 degrees 44 minutes West along the northeasterly margin of Bent Creek Road a distance of 750.9 feet; go thence in a northwesterly direction along the curve of the northeasterly margin of Bent Creek Road for a distance of 328.97 feet, said curve having a radius of 897.55 feet, a chord bearing of North 35 degrees 15 minutes West and a chord distance of 326.73 feet; go thence North 00 degrees 24 minutes West a distance of 547.9 feet; go thence North 05 degrees 16 minutes West a distance of 544.7 feet; go thence North 61 degrees 19 minutes West a distance of 677.1 feet; go thence North 72 degrees 49 minutes West a distance of 210.4 feet; go thence North 86 degrees 18 minutes West a distance of 165.4 feet; go thence South 73 degrees 51 minutes West a distance of 33.9 feet to a point on the eastern boundary of Section 27; go thence due North along said Section line a distance of 3,580.0 feet, more or less, to the Northwest corner of Section 26; go thence due East along said Section line a distance of 5,280.0 feet, more or less, to the Northeast corner of Section 26, Township 19 North, Range 26 East and the point of beginning.

Section 2. This Act shall become effective on its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 707

H. 1059—Wyatt

AN ACT

Relating to counties having populations of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for an increased expense allowance for members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having populations of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In all counties to which this Act applies the members of the county commission shall receive an additional expense allowance in an amount as much as two hundred and seventy-five dollars per month. Said expense allowance shall be paid out of the county general funds and shall be in addition to all salary, compensation and expense allowances provided for by law. This expense allowance shall be paid to the members of said county commission commencing with the next term of office for said county commission members.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this act shall become effective only upon the passage of a resolution of the present county governing body approving any such pay increase and upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 708

H. 1072—Warren

AN ACT

To provide for the establishment of a merit system for Conecuh County, Alabama, and a merit system board governing the removal and official conduct of employees of the county; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Conecuh County, Alabama.

Section 2. As used in this act, unless the context clearly requires a different meaning: "county" means Conecuh County, Alabama; "employee" means any person, including law enforcement officers, not excepted by Section 3 of this Act, who is employed in the service of Conecuh County or any board, agency or instrumentality thereof; "merit employee" means any such employee who shall have completed his six months of probationary employment; "board" means the merit system board created by this act; "appointing authority" means in the case of employees in the offices of the elected officials of the county, such elected officials, and means, in the case of all other county employees, the county governing body, or the board or other agency supervising their work.

Section 3. The provisions of this act, shall apply to all officials and employees in the service of the county or any board, agency or instrumentality thereof except: (a) persons holding elective offices; (b) members of appointive boards, commissions, and committees; (c) all employees of the county board of education; (d) independent contractors; and (e) any person whose employment is subject to the approval of the United States government or any agency thereof.

Section 4. All employees to whom the provisions of this act apply shall be governed by merit system rules and regulations prescribed in or promulgated pursuant to this act, administered by the merit system board, the creation of which is provided for in Section 5 hereof. Present such employees shall remain in their respective employments during good behavior; but nothing herein shall be construed to prevent or preclude the removal of such an employee for cause in the manner hereinafter provided; and such employees shall be subject fully to the provisions of this act.

Section 5. There is hereby created the merit system board of Conecuh County, Alabama, which shall be composed of three members appointed by the Conecuh County Commission. The following groups shall each submit the names of three nominees to said Commission:

1. All employees of the road and street department and the department of solid waste.

2. The civil defense director and all employees of the Conecuh County sheriff's department and employees in offices of boards, agencies or elected officials of the county.

3. The County Commission.
Original appointees shall serve for terms of two (2) years; four (4) years and six (6) years, respectively, or until his successor is appointed. Thereafter, all appointees shall serve for a period of six (6) years or until his successor is appointed. Initial terms of office shall be determined by drawing names after nominees have been appointed. No person shall be appointed to the merit system board who is not a resident and qualified elector of Conecuh County and over the age of twenty-one years.

Members of the merit system board shall take the constitutional oath of office, which shall be filed in the office of the Probate Judge. Vacancies on the merit system board shall be filled for the unexpired term of the vacant position in the same manner as original appointments. The county commission shall have power to establish rules and regulations governing the removal of members of the merit system board. The members of the merit system board shall elect a chairman and

secretary from among their number. Any member of the merit system board who becomes a candidate or is elected or appointed to another public office of profit, vacates his office as a member of the board.

Section 6. Each member of the merit system board shall be paid a salary to be set by the Conecuh County Commission.

Section 7. The merit system board shall fix the times for its regular meetings; and it may hold special, adjourned or call meetings at any time. A majority of the members of the merit system board shall constitute a quorum for the transaction of business. All meetings of the merit system board shall be held in the Conecuh County courthouse. The merit system board may prescribe rules governing its procedure not inconsistent with the provisions of this act.

Section 8. The merit system board shall keep complete minutes of its meetings and a record of all business transacted by it. Its records, except those which the rules of the merit system board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the county during regular business hours at the county courthouse.

Section 9. The merit system board shall have power to: (1) classify the different types of services to be performed in the service of the county; (2) prescribe qualifications, including those of education, training and experience for the appointees and incumbents of each class; and (3) allocate each position in the service to its proper class.

The salary to be paid in each classification shall be determined by the Conecuh County Commission, except that in the case of employees in the office of a fee paid officer, such officer shall fix the salaries of the employees in his office.

Section 10. All appointments, other than temporary appointments, shall be probationary for six months from the date of appointment. A probationary employee may be discharged by his appointing authority at his or its pleasure at any time before the expiration of six months from his appointment. After he shall have served for six months in the position to which he was appointed or employed such employee shall become a merit employee.

Section 11. An appointing authority, shall have authority to suspend without pay a merit employee for any personal misconduct, or fact, affecting or concerning his fitness or ability to perform his duties in the public interest. In the event a merit employee is suspended without pay for more than thirty days in any one year, he shall be entitled to a

public hearing by the merit system board upon written demand filed within five days from the date of the order of suspension. If, after hearing the merit system board determines that the action of the appointing authority was not with good cause the suspension shall be revoked.

Section 12. a) The governing body of the county, any member of the governing body, or the head of any department or office can remove, discharge, or demote any merit employee who is directly under such governing body, member thereof, or department head, provided that within five days a report in writing of such action is made to the merit system board, giving the reason for such removal, discharge or demotion. The employee shall have ten days from the time of notification of his discharge, removal, or demotion in which to appeal to the merit system board. If such appeal be filed, the merit system board shall thereupon order the charges or complaint to be filed forthwith in writing, if not already filed, and shall hold a hearing de novo on such charges. No merit employee shall be removed, discharged or demoted except for some personal misconduct or fact rendering his further tenure harmful to the public interest, or for some cause affecting or concerning his fitness or ability; and if such removal, discharge or demotion is appealed to the merit system board, then the same will become final only upon affirmation by the merit system board after a hearing upon written charges or complaint has been had and after an opportunity has been given such employee to face his accusers and be heard in his own defense. Pending a hearing on said appeal, the affected employee may be suspended; and after such hearing the merit system board may order said employee reinstated, demoted, removed, discharged, or suspended, or take such other disciplinary action as in their judgment is warranted by the evidence and under the law. In all cases the decision of the merit system board shall be reduced to writing and entered in the record of the case and shall include the merit system board's finding of facts upon which its decision is based. In all proceedings before the merit system board, the county attorney shall appear and prosecute all charges instituted by the county governing body or any member thereof or by any department head, when requested or directed to do so by such county governing body. In all proceedings before the merit system board, when directed by the county governing body to do so, the county attorney shall appear and represent the interest of the county and give such legal advice and legal assistance to the merit system board as may be requested by it.

The merit system board shall have the power to administer oaths, take depositions, certify officials acts, and issue subpoenas to compel the attendance of witnesses and production

of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this act. The sheriff or some other law enforcement officer of the county shall serve all processes of the merit system board. In case a person refuses to obey such subpoena, the merit system board may invoke the aid of the circuit court of Conecuh County, Alabama, in order that the testimony of evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the merit system board and produce all evidence and give all testimony relating to the matter in issue. A person who fails to obey such subpoena or order may be punished by the circuit court as prescribed by law for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit court of Conecuh County, Alabama, which fees shall be paid from the treasury of the county.

b) Any person aggrieved by a decision of the merit system board may appeal such decision to the Circuit Court of Conecuh County within thirty days from the rendition of such decision by the merit system board. Review by the circuit court shall be confined to the record, and to a determination of the questions of law presented; the merit system board's findings of fact shall be final and conclusive.

Section 13. No employee shall make, solicit or receive any assessment, donation, subscription or contribution for any political purpose whatsoever, or be a member of a committee or an officer of a political party, or take any part in its management or affairs except to exercise his right as a citizen to express his opinion and cast his vote; no employee shall assist any candidate for nomination or election to public office, or make any public statement in support of or against any such candidate or participate in any manner whatever in the campaign of any candidate in any general or primary election; and no employee shall receive any appointment or advancement as a reward for his support of a candidate for office or a political party; nor shall he be dismissed, suspended or reduced in rank or pay as punishment for his failure to support any candidate for political office.

Section 14. The compensation and all other expenses of the merit system board arising under the provisions hereof shall be paid from funds of the county on the claims of the merit system board in the same manner as other county salaries and expenses are paid; such claims of the merit system board shall be subject to review by the Conecuh County Commission.

Section 15. Any merit employee who willfully violates any of the provisions of this act, or any rule or regulation issued in pursuance hereof, shall be dismissed from service un-

der the system and shall not be reappointed or reemployed for two years.

Section 16. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. All laws or parts of laws which conflict with this act are repealed.

Section 18. This act shall become effective on March 1, 1977.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 709

H. 1093—Roberts, Martin

AN ACT

Relating to the establishment, operation and funding of a juvenile facility in counties with populations of not less than 75,000 nor more than 90,000 according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in counties having a population of not less than 75,000 nor more than 90,000 according to the 1970 or any subsequent federal decennial census.

Section 2. The county commission may appropriate a reasonable sum of money each year out of the treasury of the county to acquire, provide for, and maintain proper juvenile facilities in the county for the temporary shelter, care, supervision, and detention of children confined at the facility under the direction of the judge of the juvenile court of the county or his designated representative. Such facility shall be located within the county and operated under the direction and supervision of the judge of the juvenile court of the county and his assigned officers who shall supervise, care for, and feed wards of the court committee to said facilities. Such officers and employees of the county working at said facility shall serve at the pleasure and under the direction of the judge of the juvenile court.

Section 3. If financially feasible, it is desired that said facility shall be completely separate from any jail or penal institution provided by the county for the incarceration of adults. In the event such facility is separate from any jail or

penal institution for the incarceration of adults, then in that event, said facility shall be known as the county youth center.

Section 4. It is proper and authority is granted for the county commission, the judge of the juvenile court, or his assigned representatives to solicit and seek additional and supplemental funding for the maintenance and operation of the said facility from any other department or agency, private or governmental.

Section 5. This act shall become effective on the 16th day of January, 1977.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 710

H. 1102—Callahan

AN ACT

To provide for the minimum compensation for all Deputy Sheriffs in certain counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal census in the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of all starting Deputy Sheriffs in the various counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal census of the State of Alabama shall be not less than the starting salary of that of an Alabama State Trooper, provided, however, they shall be paid out of county funds.

Section 2. In addition to the compensation referred to in Section 1 of this act, all Deputy Sheriffs in counties having a population of not less than 300,000 nor more than 500,000 according to the last or subsequent federal census, shall be entitled to such subsistences or allowances as that of a State Trooper, provided, however, they shall be paid out of county funds.

Section 3. All compensation and allowances shall be considered to be minimum.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 5. Any law or parts of laws which conflict with this act are repealed.

Section 6. Upon the passage of this act by the Alabama Legislature and adoption by the Governor, or its otherwise becoming law, it shall become effective January 1, 1977.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 711

H. 1109—Drake, Sparks

AN ACT

Relating to Cullman County; to provide further for the costs and charges in criminal cases in any court of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other costs and charges in criminal cases in any court of Cullman County a fee of \$3.00 shall be charged and collected by the clerk of any such courts. The monies derived from the charges hereinabove prescribed shall be remitted to a juvenile probation fund in the county treasury to be used to finance a juvenile probation office. The county governing body is hereby authorized to make expenditures from said fund to carry out the provisions and purposes of this act.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 712

H. 1111—Roberts, Martin

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Priceville, in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Priceville in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

The NW- $\frac{1}{4}$ of the SW- $\frac{1}{4}$ and the SW- $\frac{1}{4}$ of the SW- $\frac{1}{4}$ in Section 8, Township 6 South, Range 3 West; the NW- $\frac{1}{4}$ of the NW- $\frac{1}{4}$, the SW- $\frac{1}{4}$ of the NW- $\frac{1}{4}$, the NW- $\frac{1}{4}$ of SW- $\frac{1}{4}$, and the SW- $\frac{1}{4}$ of the SW- $\frac{1}{4}$, in Section 17, Township 6 South, Range 3 West; the NE- $\frac{1}{4}$ of the SE- $\frac{1}{4}$, the SE- $\frac{1}{4}$ of the SE- $\frac{1}{4}$, the NW- $\frac{1}{4}$ of SW- $\frac{1}{4}$, and the SW- $\frac{1}{4}$ of the SW- $\frac{1}{4}$ of Section 7, Township 6 South, Range 3 West; the NE- $\frac{1}{4}$ of the SE- $\frac{1}{4}$, the NE- $\frac{1}{4}$ of the NW- $\frac{1}{4}$, the SE- $\frac{1}{4}$ of the SW- $\frac{1}{4}$, the NW- $\frac{1}{4}$ of the NW- $\frac{1}{4}$, the NW- $\frac{1}{4}$ of SW- $\frac{1}{4}$, and the SW- $\frac{1}{4}$ of the SW- $\frac{1}{4}$ of Section 18, Township 6 South, Range 3 West; the NE- $\frac{1}{4}$ of the SE- $\frac{1}{4}$, the SE- $\frac{1}{4}$ of the SE- $\frac{1}{4}$, the NW- $\frac{1}{4}$ of the SE- $\frac{1}{4}$, the SW- $\frac{1}{4}$ of the SE- $\frac{1}{4}$, the SE- $\frac{1}{4}$ of SW- $\frac{1}{4}$, the West $\frac{1}{2}$ of the NW- $\frac{1}{4}$ of SW- $\frac{1}{4}$, and the West $\frac{1}{2}$ of SW- $\frac{1}{4}$ of SW- $\frac{1}{4}$, in Section 12, Township 6 South, Range 4 West; NE- $\frac{1}{4}$ of SE- $\frac{1}{4}$, SE- $\frac{1}{4}$ of SE- $\frac{1}{4}$, the NW- $\frac{1}{4}$ of SE- $\frac{1}{4}$, the SW- $\frac{1}{4}$ of SE- $\frac{1}{4}$, NE- $\frac{1}{4}$ of NW- $\frac{1}{4}$, SE- $\frac{1}{4}$ of SW- $\frac{1}{4}$; NW- $\frac{1}{4}$ of NW- $\frac{1}{4}$, and the East 300 feet of the SW- $\frac{1}{4}$ of SW- $\frac{1}{4}$ in Section 13, Township 6 South, Range 4 West, lying, situated and being in Morgan County, Alabama, be annexed to the town limits of the Town of Priceville and become a part of the municipal corporation.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 713

H. 1115—Venable, Plaster

AN ACT

To provide for purging the lists of registered voters in Elmore County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Elmore County is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all persons who are deceased or nonresidents of the county, or have otherwise become disqualified from voting in Elmore County, shall be re-

moved from such lists, and that the name of each qualified elector shall appear only on the list of qualified electors for the beat in which he resides.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors of the county the name of any person who fails to reidentify himself, in the manner prescribed herein, before the first day of January, 1978. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to re-registration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote.

Section 3. Prior to the November general election of 1976, the board of registrars of Elmore County is authorized and directed to commence reidentification of the qualified electors of the county. The members of the board of registrars shall meet as provided by law at least once, and more often if necessary, and remain at each location at least one day from nine o'clock a.m. until four o'clock p.m. for the purpose of enabling qualified and registered voters to reidentify themselves. The board shall give at least ten days notice, by advertisement in all newspapers of general circulation published in the county, stating the time, date and place where they will meet. Upon failure to give such notice, or to appear as notified, after like notice, they shall fill new appointments. The board shall remain in session for thirty (30) days. During such session the board shall visit each location on at least one day and the remainder of the time may be divided as the board of registrars deems necessary, to enable the qualified electors of the county to appear and reidentify themselves in the manner provided herein. No voter shall appear and reidentify himself except as provided in this act.

Section 4. Each member of the board of registrars shall receive ten dollars per day from the county general fund, for each day's attendance upon the special sessions of the board required under the provisions of this act; but if such special session is held on the same day a regular session is required to be held under the laws of this state, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor, and Commissioner of Agriculture and Industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.

Section 5. A voter may reidentify himself in any one of the following ways: (a) He may reidentify himself by appearing in person at the office of the board of registrars and answering such questions and submitting such proof as may reasonably be required by the board of registrars or one of its duly authorized employees to establish his identity and place of legal residence and that he has not become disqualified from voting in such county. (b) He may reidentify himself by filling in and mailing to the office of the board of registrars the completed answers to such questions as may reasonably be propounded and mailed to him in a written questionnaire by the board of registrars, or on a form which board of registrars shall cause to be printed in all newspapers of general circulation published in the county. Such questionnaire may contain such questions as are reasonably necessary to establish the identity of the person signing such questionnaire, the place of his legal residence, and that he has not become disqualified from voting in such county. All answers to such questionnaires shall be signed by the elector in the presence of at least two witnesses who are qualified electors of such county and who shall sign his answers as attesting witnesses. (c) He may reidentify himself at the general election of 1976 or at any election at which he votes during 1977 Or 1987 (or any tenth year thereafter), by filling out and signing answers to the questionnaire prepared by the board of registrars in the presence of a clerk, manager or returning officer at such election. Such clerk, manager or returning officer shall sign the answers of such voter as an attesting witness. The returning officer shall transmit all such filled in and signed answers to questionnaires to such board of registrars. (d) Any voter who has been purged from the list of qualified electors for failure to reidentify may reidentify himself on any election day at the office of the board of registrars by appearing in person. He will be given a certificate to take to the polls in order to vote on that day.

Section 6. The board of registrars shall meet on the first Monday in January 1978, for the purpose of purging the registration lists and the names of all persons who have failed to appear and reidentify themselves in the manner herein prescribed shall be stricken from the lists, provided, however, that said board shall not strike the name of any person, or of the spouse of any person, known by any member of said board, or made known to the said board by the written affidavit of another qualified elector, to be in active duty of any of the armed forces of the United States of America, and to be stationed, or to be living with her or his spouse, as the case may be, outside Elmore County, Alabama, during the period of time from the effective date hereof to January 1, 1987.

Section 7. Any qualified elector of the county who shall have his name omitted or removed from the list of qualified electors in the county by failure to appear and reidentify himself as herein provided shall be entitled to have his name restored to the list of qualified electors by appearing in person at the office of the board of registrars, or at the office of the judge of probate, and answering such questions and submitting such proof, under oath, as the board may require to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county. Provided, however, every qualified elector must have reidentified himself at least 10 days prior to the election at which he offers to vote; provided further, however, that this act shall not be construed or applied to impair or deny the right to vote in person or by absentee ballot of any person or of the spouse of any person, now a qualified elector of said county, who is in active duty of any of the armed forces of the United States of America and stationed, and, as to the spouse, who is living with her or his husband or wife as the case may be, outside of Elmore County, Alabama, during the period of time from the effective date hereof to January 1, 1978.

Section 8. The court of county commissioners of Elmore County is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, printed forms, stationery and newspaper advertisements necessary for the reidentification of voters as herein provided.

Section 9. The questionnaire to reidentify a voter shall be in substantially the following form:

VOTERS REIDENTIFICATION QUESTIONNAIRE

Elmore County, Alabama

Date _____, 19____.

Name
 First **Middle** **Last**

Legal Residence Address _____
 _____ Street

City or Town _____

State

Date of Birth Sex

I now vote and I am a qualified elector in precinct or Beat No. _____, Box No. _____ County, and I have not been disqualified from voting in this county. I am not a qualified voter in any other county in the State of Alabama or in any other State in the United States.

I have resided in Precinct or Beat No. _____ for the
past _____ months.

Signed _____

Signature of Voter

Sworn to and subscribed before me this _____ day of
_____ 19____.

Registrar — Judge of Probate

Section 10. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in reidentifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 714

H. 1116—Cross

AN ACT

To apply only in counties having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census, fixing the expense allowance of the civil defense coordinator.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census, the civil defense coordinator shall receive an expense allowance of not less than seventy-five dollars (\$75) nor more than one hundred and fifty dollars (\$150) per month, the amount to be set by the county governing body of any such county. The expense allowance for such officer shall be payable from any funds in the county

treasury available for such purposes according to law. The expense allowance provided for by the provisions of this Act shall be the sole expense allowance or compensation of any kind received by the civil defense coordinator from the county.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 715

H. 1120—Sasser, Williams

AN ACT

To alter or rearrange the boundary lines of the City of Ozark, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Ozark, Dale County, Alabama, be and the same are altered or rearranged so as to include within the corporate limits of said city, all territory now within such corporate limits, and also other territory within Dale County, Alabama, described as follows:

Beginning at a point on the present boundary line of the Corporate Limits of the City of Ozark, Dale County, Alabama, at the Southwest corner of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32, T6N, R24E, and run thence north along the west line of the said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ for 1320 feet to the Northwest corner of same; thence West along the South line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 32 for 1320 feet to the Southwest corner of same; thence North along the west line of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ all in Section 32, for a distance of 2290 feet, more or less, to the West line of U. S. 231; thence Northwesterly along the West line of said U. S. 231 a distance of 180 feet to its intersection with the South line of Alabama 27; thence Northwesterly along said Alabama 27 for a distance of 1170 feet, more or less, to the intersection of the South line of said Alabama 27 with the West line of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 32; thence Northerly along said West line of NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 32, and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29, a distance of 1360 feet, more or less, to the Northwest

corner of said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29; thence westerly along the southern boundary of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 30, a distance of 2640 feet, more or less, to the Southwest corner of said NW $\frac{1}{4}$ of the southern boundary of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 30, a distance of 2640 feet, more or less, to the Southwest corner of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$; thence northerly along the western boundary of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, all in Section 30, a distance of 3595 feet, more or less, to the North line of Dale County Road No. 36 (Roy Parker Road); thence Northeasterly along said North line of Dale County Road No. 36 for 125 feet, more or less, to its intersection with the W right of way line of U. S. Highway 231; thence Northwesterly along said West line of U. S. 231 for 490 feet, more or less, to its intersection with the West line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 19, T6N, R24E; thence North along the said West line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ for 450 feet, more or less, to its intersection with the East right of way line of said U. S. 231; thence Northwesterly along the North line of said Gerald Deloney property for 960 feet to a concrete marker; thence South along the East line of said Gerald Deloney property and extension thereof for 1304 feet, more or less, to the South right of way line of said Dale County Road No. 36; thence Southwesterly along said South line of Dale County Road No. 36 for 270 feet, more or less, to the East line of said U. S. 231; thence Southeasterly along said East line of U. S. 231 for 1180 feet, more or less, to its intersection with the North line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30, T6N, R24E; thence East along said North line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ for 300 feet, more or less, to the Northeast corner of same; thence South along the East line of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ for 120 feet, more or less, to a point which is 200 feet perpendicularly from the East line of U. S. 231; thence Southeasterly along a line 200 feet from and parallel to the said East line of U. S. 231 for 1000 feet; thence Southwesterly for 200 feet to the said East line of U. S. 231; thence S40°16'E along said East line of U. S. 231 for 1940 feet, more or less, to its intersection with the North line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29, T6N, R24E; thence East along said North line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ for 1000 feet, more or less, to the Northeast corner of same; thence South for 1320 feet to the Southeast corner of said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence East along the North line of Section 32 for 2135 feet to the Northeast corner of the C. E. Loftin property; thence South along the East line of said Loftin property for 1320 feet to the North line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32; thence East along said North line for 500 feet to the Northeast corner of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence South along the East line of the said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the present

Corporate Limits of Ozark for 1980 feet to the Southeast corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 32; thence West for 660 feet, thence South for 660 feet to the South line of said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence West along the said South line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the present corporate limits of Ozark for 660 feet to the Point of Beginning. Less and Except eight (8) acres in the Southwest corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 32, T6N, R24E which is now owned by Jack Hutto and W. W. Whittle, jointly. The herein described property lying in and being a portion of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 19; the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, of Section 30; the NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29; the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, all in Township 6 North, Range 24 East, Dale County, Alabama, and contains 410 acres, more or less.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 716

H. 1154—Robertson

AN ACT

Relating to Pickens County; to provide an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

Be It Enacted by the Legislature of Alabama:

Section 1. On or after September 1 of each year, the judge of probate of Pickens County may, if he elects to do so, mail an application, in the form and containing the information hereinafter provided, to all owners of motor vehicles listed as such in the motor vehicle license records (including transfers) in his office or, at his option, to such owners as request that such application be mailed to them.

Section 2. The application shall be on a form to be provided by the state department of revenue. The application form shall contain a space for the name and address of the owner of the motor vehicle and the make, model, year and motor number of his motor vehicle and such other information with respect thereto as the state department of revenue may

prescribe. The application form shall also contain a space for the correct amount of ad valorem taxes (state, county, school districts, municipal and other) and the amount of the motor vehicle license tax due thereon and the issuance fee, including the mailing fee provided for by this act. The application form shall also contain a space for the owner to fill in his present address, if different from that shown in the application form, and a space for his signature.

Section 3. At the request of the judge of probate of Pickens County, the tax assessor of the county shall cause the application form to be filled in with the name and address of the owner, the description of the motor vehicle and the license tax and fees to become due on the October 1 succeeding, as shown on the license registration and transfer records in his office. The tax assessor shall cause to be correctly filled in thereon the amount of ad valorem taxes on said motor vehicle for the preceding tax year as provided by Title 51, Section 704, Code of Alabama, 1940, as amended. Such application forms shall be pre-printed with all pertinent information thereon, and the cost of same shall be paid by the Pickens County governing body upon warrant signed by the judge of probate and approved as provided by law. The judge of probate shall thereupon cause the application, so filled in, to be mailed to the owner of the motor vehicle at his address shown thereon or at the address to which such owner requests that the application form be mailed.

Section 4. The owner of the motor vehicle shall, if he is still the owner of the motor vehicle and if he desires to pay his motor vehicle ad valorem taxes and license tax and secure his motor vehicle registration tag by mail, sign the application form, indicating thereon any necessary change of address, and return the same by mail together with his remittance for ad valorem taxes, license taxes and fees as shown thereon to the judge of probate. Money orders for the payment of such taxes and fees shall be made payable to the judge of probate. Upon receipt of the signed application form and the remittance for the amount properly due for ad valorem taxes, license tax and fees, the judge of probate shall pay over to the tax collector the amount paid for ad valorem taxes. The tax collector shall verify the correctness of ad valorem taxes paid and make proper receipt for same. The judge of probate shall thereupon mail a receipt for such taxes and fees, along with the license tag for his motor vehicle, to the owner thereof.

Section 5. When an application is returned to the judge of probate unsigned, or when less than the correct amount of the taxes and fees due therefor has been paid, due to a change of address or other cause, such application shall be

returned to the applicant for signature or correction. A return of such application or remittance shall not, however, extend the time required by law for such taxes to be paid or such tag to be secured. If more than the correct amount of taxes and fees is received, the judge of probate shall retain the correct amount and return the excess together with the motor vehicle tag.

Section 6. All applications for motor vehicle tags by mail, together with the correct amount of taxes and fees due thereon shall be received by the judge of probate on or before November 1, preceding the November 15 on which the motor vehicle license tag is due and payable, and the judge of probate shall mail such tags on or before November 10 preceding such November 15.

Section 7. The judge of probate shall charge and collect an additional fee for each motor vehicle license tag issued by mail. Such fee shall be set annually by the Pickens County governing body in an amount sufficient to cover the costs of processing and mailing, prior to the beginning of sale of tags by mail for that year. Applicants who purchase their tags by mail must include such fee along with their remittance for ad valorem taxes, license taxes and other fees, when returning same to the probate judge. The judge of probate shall pay such additional fee into the county commission for the general fund of the county. The actual expense of preparing, mailing, receiving and processing such application forms, receipts and tags, as hereinabove provided, shall be paid by the county governing body from the general fund of the county, upon warrant signed by the judge of probate and approved as provided by law. Exception is made for those forms which are furnished by the state department of revenue.

Section 8. All the forms necessary in the administration of this act shall be furnished by the state department of revenue.

Section 9. The procedure authorized by this act for the payment of ad valorem taxes on motor vehicles and motor vehicle license taxes and the issuance of license tags is optional, and alternative to the procedure now provided by law. Each owner of a motor vehicle shall continue to have the right to pay taxes and to receive his tag in person, without the necessity of paying the mailing fee provided for herein. The judge of probate of Pickens County shall not be required to collect such taxes and issue license tags by mail as herein provided, unless he elects to do so. Such election shall be made by him on an annual basis.

Section 10. The provisions of this act are severable. If

any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 717

H. 1169—Cates

AN ACT

Relating to Butler County; to provide for an additional expense allowance for the members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county commission of Butler County shall receive an additional expense allowance in the amount of \$200 per month to be paid out of any funds in the county treasury. The expense allowance provided for by this act shall be in addition to any and all other expense allowances, salary or compensation provided for by law.

Section 2. The provisions of this act shall become effective on the first day of the month next succeeding the date this act becomes law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 718

H. 1170—Cates

AN ACT

Relating to Butler County, to increase the pay of election officials to \$16.00 per day.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Butler County shall pay all election officials of Butler County such an additional amount as will make their pay total \$16.00 per day from all sources.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 719

H. 1171—Cates

AN ACT

Relating to Butler County; to provide for an election to determine the sentiment of the electors concerning the use of voting machines for registering or recording and computing the vote at all elections held in such county and to provide that the county governing body of such county shall direct the use of voting machines if the majority of the electors voting in such election vote in favor of the adoption of voting machines.

Be It Enacted by the Legislature of Alabama:

Section 1. At the general election of 1976 the judge of probate of Butler County, shall cause the following questions to be submitted to the qualified electors of such county:

“Shall voting machines be used in the County of Butler?
Yes No”

If a majority of the electors voting in such election vote in favor of the adoption of voting machines, the county governing body of such county shall authorize, adopt and direct the use of voting machines for registering or recording and computing the vote at all elections held in such county as provided for by Article 7 of Title 17, Code of Alabama 1940. Provided, however, that the county governing body may, in its discretion, authorize the use of paper ballots in any polling place serving fewer than 100 registered voters.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 720

H. 1174—Lutz

AN ACT

To amend Act No. 453, H. 1033, Regular Session 1975 Legislature of Alabama, which changed the compensation of each member of the Madison County Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 453, H. 1033, Regular Session 1975 Legislature of Alabama, is hereby amended to read:

Section 1. Each member of the Madison County Board of Education shall receive as compensation a salary of Four Hundred Eighty (\$480.00) Dollars per annum, which shall be payable in equal monthly installments by proper warrant drawn on the General Fund of the Madison County Board of Education.

Section 2. Section 2 of Act No. 453, H.1033, Regular Session 1975 Legislature of Alabama, is hereby amended to read:

Section 2. Commencing with the next term of said officers, said officers shall receive as compensation a salary of One Thousand Two Hundred (\$1,200.00) Dollars per annum, which shall be payable in equal monthly installments by proper warrant drawn on the General Fund of the Madison County Board of Education.

Section 3. Any compensation which was payable pursuant to Act 453 shall be paid retroactively from the date said act was approved, September 22, 1975, from the General Fund of the Madison County Board of Education.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 721

H. 1194—Callahan

AN ACT

To amend further Section 8 of Act No. 970, S. 378, Regular Session 1961 (Acts 1961, p. 1545), which act provides an alternative method of vehicle license registration in counties having a population of 300,000 or more according to the 1970 or any subsequent federal decennial census, so as to increase the mail fee pursuant to such alternative registration.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 970, S. 378, Regular Session 1961 (Acts 1961, p. 1545), as amended, is hereby further amended to read as follows:

"Section 8. The Judge of Probate shall charge and collect an additional fee of fifty cents (50c) for each motor vehicle license tag issued by mail. This fee shall be paid with the mailed request for license tags. Such additional fee shall be paid by the Judge of Probate into the county treasury and the actual expense of mailing application forms to the owners of the motor vehicles and of mailing tags as hereinabove provided shall be paid from the county treasury upon warrant signed by the Judge of Probate and approved as provided by law. Provided, however, in all counties having a population of 600,000 or more according to the last or any subsequent federal census, the Judge of Probate shall charge and collect a fee of One Dollar (\$1.00) for each motor vehicle license tag issued by mail and provided further that in all counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal census, the Judge of Probate or License Commissioner shall charge and collect a fee of One Dollar (\$1.00) for each motor vehicle license tag or validation decal issued by mail."

Section 2. This Act shall take effect October 1, 1976.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 722

H. 1196—Callahan

AN ACT

To authorize and provide for the collection of an additional application or issuance fee to be charged by the License Commissioners, Judges of Probate, Directors of Revenue, or other public officers performing like duties relating to the application or issuance of motor vehicle licenses, motor vehicle license transfers, drivers licenses or permits, business or professional licenses and the transfer of business licenses in all counties having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census, provided however, that the affidavit fee of twenty-five cents presently prescribed by law in said counties shall be collected for affidavits taken or required in the course of the application or issuance of licenses or transfers.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby authorized to be charged and collected by all License Commissioners, Judges of Probate, Directors of Revenue or other public officers performing like duties in all counties having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census, an issuance, application, or license transfer fee as follows:

Motor Vehicle License Tag or Validation Decal

| | |
|---|--------|
| Issuance Fee | \$1.00 |
| Motor Vehicle License Transfer Fee (with completed application form) | .50 |
| Motor Vehicle License Transfer Fee (without completed application form) | 1.00 |
| Business License Issuance Fee | 1.00 |
| Business License Mail Fee | .50 |
| Professional License Issuance Fee | 1.00 |
| Professional License Mail Fee | .50 |
| Transfer or Issuance of all Other Licenses Under Code of Alabama, Title 51, Section 451-617 and 624 | 1.00 |

Section 2. The fees authorized under the provisions of this Act shall be remitted by the License Commissioners, Judges of Probate, Directors of Revenue or other county public officer performing like duties, to the general fund of the county at the same time and in the same manner as other such fees are distributed and remitted.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Goernor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 723

H. 1207—Warren

AN ACT

To provide an additional expense allowance for the county coroner of all counties having populations of not less than 15,625 nor more than 15,850 inhabitants according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 15,625 nor more

than 15,850 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The county governing body of any such county is hereby authorized and empowered to pay the county coroner an expense allowance of \$50.00 per month. The expense allowance provided for by this act shall be in addition to all other salary, compensation and expense allowances now provided by law for the county coroner.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 724

H. 1217—Carter, Moore (W)

AN ACT

To amend Act No. 526, H. 1234, Regular Session 1975 (Acts 1975, p. 1179), which act establishes a civil service system for law enforcement officers of certain counties based on population, so as to remove from the civil service system thereby created the authority to determine salary or compensation of said officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1, 3, and 5 of Act No. 526, H. 1234, Regular Session 1975 (Acts 1975, p. 1179) are hereby amended to read as follows:

“Section 1. In recognition of the inefficiencies, inadequacies, and inconsistencies in law enforcement programs and practices of many counties of this state and in recognition of the need for fair and impartial enforcement of the laws, for the protection of the person and property of the people of this state and for the promotion of the public health and welfare, this law is enacted to assure that every county in this state having a population of not less than 39,500 nor greater than 41,750 shall be provided an acceptable civil service merit system governing the appointment, removal, tenure and official conduct of its law enforcement officers.

“Section 3. Every county falling within the provisions of this act shall establish separately or jointly, a civil service merit system governing the appointment, removal, tenure and official conduct of county law enforcement officers.

“Section 5. Each law enforcement officer in the civil service of any such county at the time such county enters into

such an agreement with the state director of personnel under the provisions of this act shall upon the effective date of such agreement be classified to the nearest classification of their present work assignment and location and shall thereafter be governed by the state merit system rules and regulations, the same as any other law enforcement officer in the service of the state."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 725

H. 1218—Rich, Ford, Taylor

AN ACT

To amend Act No. 1088 of the 1975 Regular Session of the Alabama Legislature, an act entitled, "Relating to counties having a population of not less than 90,000, nor more than 100,000 according to the most recent federal decennial census, to provide for the constable of the district court in such counties and to set the compensation and expenses, duties, and provisions for election of same, "so as to further provide for the compensation and expenses of the constable of the District Court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 1088 of the 1975 Regular Session of the Alabama Legislature is hereby amended to read as follows:

"Section 4. The court of county commissioners shall provide the Constable such deputies and assistants as may be reasonably necessary for the proper discharge of his duties, and transportation or mileage for execution of civil processes for the Constable and his deputies or assistants. Such deputies and assistants shall be appointed by the Constable and serve in accordance with local laws of such counties. The number and compensation of the deputies and assistants so appointed shall be subject to approval by the county governing body. The Constable of the District Court shall receive an annual salary of \$12,500 plus any cost of living expense allowances received by other county officials, to be paid in twelve (12) equal payments per annum."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 726

H. 1219—Rich

AN ACT

Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; and providing for the compensation of the probate judge in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census.

Section 2. In all such counties, at the expiration of the present term of office of the probate judge, the judge of probate shall be entitled to an annual salary of nine thousand six hundred dollars (\$9,600.00) which shall be paid from the county treasury in the same manner and out of the same funds as now provided by law for the payment of compensation for such officer.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective at the expiration of the present term of office for the judge of probate in the counties to which this act applies and upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 727

H. 1235—Moore (O)

AN ACT

Relating to counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for additional expense allowances for certain county officials.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In all counties to which this act applies the following county officials shall have the indicated annual expense allowance, viz:

| | |
|---------------|------------|
| Tax Assessor | \$1,500.00 |
| Tax Collector | \$1,500.00 |

Section 3. The provisions of this act shall be in addition to any and all other provisions in regard to the annual expense allowance of the above enumerated employees in such counties.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this act shall become effective on the first day of the month next succeeding the date that this act shall become law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 728

H. 1253—Lee

AN ACT

Relating to any county having a population of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census; to authorize and provide for the payment out of the county treasury of pension or retirement allowances, under certain circumstances, to judges of the county court.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who has served at least twelve years as judge of the county court of any county having a population of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census and who has reached the age of sixty years of age shall, upon application to the county governing body of the county, be entitled to a pension or retirement allowance in the amount of five hundred dollars per month payable out of any funds available therefor in the county treasury. The application shall be made not less than thirty days before the applicant desires to start receiving such pension or retirement allowance and shall be in such form as prescribed by the county governing body. Upon receipt

of an application for a pension or retirement allowance as authorized above, if the county governing body is convinced that the applicant meets the qualifications prescribed above, it shall order and provide for the payment to such applicant of the pension or retirement allowance hereinabove authorized, on the first day of each month for the remainder of the applicant's life in the same manner that the salaries of county employees are paid.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 729

H. 1254—Williams

AN ACT

Relating to Dale County; to amend Section 1 of Act No. 2038, Regular Session 1971 (Acts 1971, p. 3270), concerning the sale of alcoholic beverages in certain places, so as to further provide for the sale of such beverages, limiting the prohibition of sale outside certain municipalities to sale for on-premises consumption.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 2038, Regular Session 1971, (Acts 1971, p. 3270) is hereby amended to read as follows:

"Section 1. It shall be unlawful for any person, firm or corporation to sell or offer for sale any spirituous or vinous beverages, or malt or brewed beverages for on-premises consumption in Dale County except within the corporate limits of an incorporated municipality with a full time law enforcement agency and a population of not less than Five Hundred (500) according to the most recent decennial census."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 730

H. 1255—Williams, Sasser

AN ACT

To authorize an expense allowance for the Chairman and associate members of the Dale County governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. The Chairman and each member of the Dale County governing body shall be paid a monthly expense allowance of \$150.00. Said expense allowance shall be in addition to any and all such expense allowances now provided by law, and shall be paid from the county general fund.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 731

H. 1274—Martin, Roberts, Cross

AN ACT

Relating to counties having a population of not less than 75,000 nor more than 90,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide the county commission with authority to employ or contract for appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 75,000 nor more than 90,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The county commission of counties to which this act applies may employ or contract for appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

Section 3. The State of Alabama Revenue Commissioner shall prescribe the functions, duties and responsibilities of these

personnel to insure all property is properly appraised, mapped and valued in accordance with the law.

Section 4. The county tax collector shall collect the cost of the appraisal and mapping program from the various county ad valorem tax funds. The custodian of each county ad valorem tax fund shall pay the pro rata share of the cost of appraising and mapping the property which is taxed by said custodian's ad valorem tax fund.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 732

H. 1281—Folmar

AN ACT

Relating to all counties having a population of not less than 24,900 nor more than 25,150 inhabitants according to the 1970 or any subsequent federal decennial census, to authorize the county commission to employ two clerks to assist the tax assessor, two clerks to assist the tax collector, one clerk to assist the probate judge and such additional parttime help as the county commission deems necessary, and to provide salaries for said employees.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 24,900 nor more than 25,150 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The county commission of any county to which this act applies is hereby authorized to employ two clerks to assist the tax assessor in the performance of the official duties of the tax assessor. Said employees shall serve at the pleasure of the county commission and the compensation of said employees shall be set by the county commission.

Section 3. The county commission of any county to which this act applies is hereby authorized to employ two clerks to assist the tax collector in the performance of the official duties of the tax collector. Said employees shall hold office at the pleasure of the county commission and the compensation of said employees shall be set by the county commission.

Section 4. The county commission of any county to which this act applies is hereby authorized to employ one clerk to assist the judge of probate in the performance of the official duties of the judge of probate. Said employee shall hold office at the pleasure of the county commission and the compensation of said employee shall be set by the county commission.

Section 5. The county commission of any county to which this act applies is hereby authorized to hire such additional part-time employees for any county department as the commission deems necessary. Such part-time employees shall serve at the pleasure of the county commission and compensation of said part-time employees shall be set by the county commission.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 733

H. 1282—Folmar

AN ACT

To provide that the county governing body is authorized and empowered to pay the employer's share of social security or F.I.C.A. payments on elected officials in all counties having populations of not less than 24,900 nor more than 25,150 inhabitants according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having populations of not less than 24,900 nor more than 25,150 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The county governing body is hereby authorized and empowered to pay the employer's share of social security or F.I.C.A. payments on elected officials in any county to which his act applies.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 734

H. 1283—McNees

AN ACT

To amend further Act No. 194, S. 417, Regular Session 1967 (Acts 1967, p. 560), which act, as amended, provides for a pistol permit fee and the distribution and use of the proceeds of such fee in counties having populations of not less than 16,245 nor more than 16,300 inhabitants according to the last or any subsequent federal decennial census, so as to provide further for the use of the proceeds of such fee, and to provide for retroactive effect to October 1, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 194, S. 417, Regular Session 1967 (Acts 1967, p. 560), is hereby amended to read as follows:

"Section 1.....In all counties having populations of not less than 16,245 nor more than 16,300 according to the last or any subsequent federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be five dollars, which fee shall be collected by the sheriff and deposited in the county treasury. Four-fifths of such fees shall be credited to a special fund or account in the county treasury and shall be used exclusively by the sheriff for the purchase of equipment, materials, supplies, travel, telephone, and any other necessary expenses for law enforcement of the sheriff's department, and the remainder shall be paid into the general fund of the county and may be used for general fund purposes."

Section 2. The provisions of this act shall become effective immediately and retroactive to October 1, 1975 upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 735

H. 1288—Waggoner, Moore (O), Smith (C)

AN ACT

To amend Section 1 of Act No. 37, H. 66 Organizational, Special and Regular Sessions 1971 (Acts 1971, p. 4170) as amended which applies in Shelby County, designating the number of employees au-

thorized by the sheriff's department, compensation of such employees, and sheriff and residence requirements of such employees, and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 37, H. 66, Organizational Special and Regular Session 1971 (Acts 1971, p. 4170, as amended, be and the same is hereby deleted and there is substituted in lieu thereof, the following:

"Section 1. (a) In lieu of any and all chief deputy sheriff, deputies sheriff, jailers or matrons heretofore authorized by law, the sheriff is hereby authorized to appoint not less than the following number of employees whose compensation shall be paid from the county treasury each month in the amounts listed below,

| Number of Employees Authorized | Rank | Compensation |
|---|--------------------|---|
| 1 | Chief Deputy | Shall be comparable to a Captain in Alabama State Highway Patrol |
| 1 | Lieutenant | Shall be comparable to a Lieutenant in Alabama State Highway Patrol |
| 12 | Deputies | Shall be comparable to State Trooper in Alabama State Highway Patrol |
| 4 | Matrons | Shall be comparable to a Clerk Stenographer III in the Alabama Department of Public Safety |
| 3 | Jailers | Shall be comparable to State Troopers in Alabama State Highway Patrol |
| 1 | Chief Investigator | Shall be comparable to and not less than Alabama Highway Patrol Investigator Sergeant, and not more than Alabama State Highway Patrol Investigator Captain; between said limitations, the sheriff shall fix said employee's salary. |
| 3 | Sergeants | Shall be comparable to a Sergeant in State Trooper in Alabama State Highway Patrol |
| 4 | Patrolmen | Shall be comparable to State Trooper in Alabama State Highway Patrol |

The primary duties of these patrolmen shall be to patrol 1 each in three of the commissioner's districts and 1 in District 3.

"Any of the above officer's salaries and other remuneration or benefits to said officers may be funded under the Law Enforcement Assistance Act so long as such funds are available, and when not available, said officers shall be paid out of the General Fund of Shelby County or out of any other fund from which the Shelby County Commission elects to pay said officers.

"(b) The Chief Deputy, Lieutenant, Chief Investigator, and Sergeant shall begin employment under the provisions of this act in a grade not greater than grade 4 corresponding to the rank listed opposite said position. All other personnel listed shall begin employment under the provisions of this Act in the grade corresponding with the number of years experience in law enforcement."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 736 H. 1287—Waggoner, Moore (O), Smith (C)
AN ACT

To amend Section 1 of Act No. 191, H. 525, Regular Session of 1971, (Acts 1971, Vol. I, p. 486); providing additional expense allowance for each circuit judge of all judicial circuits composed of three (3) counties with two (2) circuit judges having a total population of not less than 60,000 and not more than 70,000 according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 191, H. 525, Regular Session of 1971, (Acts 1971, Vol. I, p. 486) is hereby amended to read as follows:

"Section 1. The circuit judges of all judicial circuits of this state composed of three (3) counties with two (2) circuit judges, and having a total population of not less than 60,000 nor more than 70,000 according to the 1970 or any subsequent federal decennial census, shall each receive an additional expense allowance, for the purpose of defraying expenses in the performance

of his official duties, in the amount of \$5,000 per annum to be paid by the counties composing such circuit.

“The allowance herein provided for shall be paid monthly from the general funds of such counties on a pro rata basis calculated upon the assessed value of taxable property in such counties for the previous fiscal year, as shown by the records in the tax assessors’ offices, in such manner that each county shall pay such proportion of said expense allowance as the assessed value of the property in such county bears to the total assessed value of the property within such judicial circuit. The expense allowance herein provided for shall be in addition to all other compensation paid by the state by way of salary and allowances now authorized by law.”

Section 2. This act shall become effective on October 1, 1976.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 737

H. 1293—Rich

AN ACT

To amend Section 1 of Act No. 221, H. 917, Regular Session 1973 (Acts 1973, p. 255) so as to delete the maximum salary requirement of county superintendents of education in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 221, H. 917, Regular Session 1973 (Acts 1973, p. 255) is hereby amended to read as follows:

“Section 1. The salary of the county superintendent of education of any county having a population of not less than 15,400 nor more than 15,625, according to the 1970 or any subsequent federal decennial census shall be determined by the county board of education but shall not be less than \$15,000, such salary to be paid in the same manner as now provided under the general laws of the state for payment of county superintendents of education in the several counties of the state; provided, however, that the county superintendent of education shall, at all times, earn at least \$3,000.00 annually more than the highest paid principal in the school system and any increase in the salary of any principal which brings that principal’s salary within \$3,000.00 of the superintendent of education shall automatically cause an increase in the superinten-

dent's salary so that superintendent's salary will remain at least \$3,000.00 higher than the highest paid principal."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 738

H. 1294—Hines, Warren

AN ACT

To provide an annual expense allowance for the coroner and deputy coroner of Escambia County to be funded from the general fund of Escambia County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Escambia County Commissioners are hereby authorized to pay the coroner and deputy coroner of Escambia County \$200.00 a month expenses each to be paid from the General fund of Escambia County.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 739

S. 263—Baker

AN ACT

Relating to DeKalb County; to provide for the salary of certain officials of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate, tax assessor, tax collector and register of DeKalb County shall each receive an annual salary as follows:

| | |
|------------------------|----------|
| Judge of Probate | \$15,600 |
| Tax Assessor | \$12,000 |
| Tax Collector | \$12,000 |

Register of Circuit Court\$10,800

Such salaries shall be payable in equal monthly installments from the general fund of said county and shall be the total compensation of said officials and shall be paid in lieu of any salary and expense allowance heretofore prescribed by law.

Section 2. The salaries provided for in Section 1 of this Act shall become effective on January 16, 1977.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 740

S. 431—Bank

AN ACT

Relating to counties having a population of not less than 18,500 nor more than 20,500 inhabitants according to the 1970 or any subsequent federal decennial census; providing further for the compensation of the boards of equalization in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of counties having a population of not less than 18,500 nor more than 20,500 inhabitants according to the 1970 or any subsequent federal decennial census shall supplement the current compensation of the members of the county board of equalization so that the members of the county board of equalization shall receive a total compensation of thirty dollars per day for each day's attendance upon the sessions of the board. Any such additional compensation shall be paid by warrants drawn on the general fund in the county treasury.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 741

H. 1234—Moore (O)

AN ACT

To provide for the salary of the judge of probate of all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census shall receive an annual salary of twenty-four thousand dollars (\$24,000.00) per annum, payable in equal monthly installments from the general fund of such counties.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective on the first day of the month following its passage and approval by the Governor, or upon its otherwise becoming law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 742

H. 1239—Teague, McCluskey, Dial, Moore (O)

AN ACT

To provide for the appointment of a deputy district attorney for the twenty-ninth judicial circuit of Alabama; to designate him as a state officer; to prescribe his qualifications, powers and duties and to fix and provide for payment of his compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the twenty-ninth judicial circuit of Alabama may appoint a deputy district attorney, who shall be a state officer and serve at the pleasure of the district attorney. The deputy must be a resident, and qualified elector of a county included within the circuit. He must be qualified by the courts of this state for the practice of law, but he shall not be subject to provisions of Subsection 12, of Section 229, Title 13, Code of Alabama 1940. This position hereby created by this act is in addition to all existing deputy district

attorneys for said county, or any part-time or full-time deputy district attorney which may be hereinafter created or established, by the implementation of the judicial article.

Section 2. In the absence of the district attorney, his deputy shall discharge his duties and exercise his authority, but only at his direction. The deputy also shall perform such other duties and exercise such authority as may be prescribed by the district attorney.

Section 3. The deputy district attorney shall receive an annual salary of \$10,000.00, payable in equal monthly installments out of the treasury of the county comprising such judicial circuit.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective upon the first day of the next fiscal year, October 1, 1976, following its approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 743 H. 1241—Teague, McCluskey, Dial, Moore (O)

AN ACT

Relating to all counties having populations of not less than 65,000, nor more than 68,000, inhabitants according to the 1970 or any subsequent federal decennial census; to provide for an additional secretarial assistant for the office of district attorney, in addition to the two secretaries now provided by law and provide salary for same, in which such county lies.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the judicial circuit in all counties having populations of not less than 65,000, nor more than 68,000, inhabitants according to the 1970 or any subsequent federal decennial census, is hereby authorized and empowered to appoint and prescribe the duties of an additional secretarial assistant, in addition to the two secretaries now provided by law and provide salary for same, who shall serve at the pleasure of said district attorney.

Section 2. The compensation of such secretarial assistant for the office of the district attorney shall be set by the district attorney at a sum not exceeding \$6,000.00 per annum, the exact amount of such salary to be fixed by the district attorney for such counties. Said salary shall be paid in equal monthly installments out of the treasury of such counties in the same manner as other county officers are paid.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective upon the first day of the new fiscal year, October 1, 1976, following its approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 744

H. 1242—Venable, Plaster

AN ACT

Relating to Elmore County; setting the minimum monthly salary for each deputy sheriff of Elmore County; and providing that such salaries shall be paid out of the general fund of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Each deputy sheriff of Elmore County who will on the effective date of this act have five years continuous service shall receive an annual salary of not less than seven hundred dollars (\$700.00) per month. Each deputy sheriff of Elmore County who will on the same date have three years continuous service shall receive an annual salary of not less than six hundred seventy five dollars (\$675.00) per month. Each deputy sheriff of Elmore County with less than three years service shall receive an annual salary of not less than six hundred fifty dollars (\$650.00) per month. Such salary shall be paid out of the general fund of the county in the same manner as provided by law and shall be in addition to any expenses provided by law. Chief deputies shall receive an additional fifty dollars (\$50.00) per month.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Sections 3. This act shall become effective on October 1, 1976.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 745

H. 1243—Venable, Plaster

AN ACT

To alter or rearrange the boundaries of the Town of Coosada, Elmore County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, as well as certain other territory contiguous thereto, in Elmore County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the Town of Coosada, Alabama in Elmore County are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of said town of Coosada, and in addition thereto the following described territory, to-wit: Beginning at the northeast corner of Section 34, Township 18 North, Range 17 East; thence westerly along northern section line a distance of 1,860 feet to the center of Fenn Road; thence southwesterly along the center of Fenn Road a distance of 700 feet to a point of intersection of Air Port Road; thence along the center of Air Port Road a distance of 240 feet to the intersection of Airport Road and Oak Lane; thence South along Airport Road and along a half-section line a distance of 3,400 feet to the southwest corner of the Northwest quarter of the Southeast quarter of Section 34; Township 18 North, Range 17 East; thence East along the southern boundary of said quarter Section a distance of 680 feet to a point; thence northerly and along the west side of Johnny Prince property a distance of 200 feet to northwest corner of said property; thence easterly along the northern boundary of Prince and the church property a distance of 420 feet to a point; thence extending along the northern boundary of said church property in a northeasterly direction a distance of 20 feet to northeast corner; thence southeasterly a distance of 160 feet to the center of Coosada Road; thence southwesterly along the center of Coosada Road a distance of 320 feet to a point on the Southern quarter section line of the Northwest quarter of the Southeast quarter of Section 34; thence east along said quarter section line a distance of 460 feet to the center of Callon Street in Plat No. 4 of Hughes subdivision; thence northerly along the center of Callon Street a distance of 65 feet to a point in said subdivision; thence east along a lot line dividing lots 3 and 4 in Plat No. 4 and Plat No. 3 in Hughes Subdivision a distance of

350 feet; to the back property line of lot 15 of Plat No. 3 in said Hughes Subdivision; thence north along the back property line of lot 15 of Plat 3 in Hughes Subdivision a distance of 40 feet to the southwest corner of lot 16, Plat 2 of Hughes Subdivision, thence easterly along the southern property line of lot 16 of Plat 3 of Hughes Subdivision a distance of 190 feet to the center of Ray Street; thence northwesterly along the center of Ray Street a distance of 200 feet to the center of intersection of Linda Drive; thence westerly along the center line of Linda Drive a distance of 48 feet to a point; thence northerly along the west property line of lot 1 of Plat No. 1 in Hughes Subdivision a distance of 150 feet to the northwest corner of said lot; thence southeasterly along the northern property line a distance of 302.4 feet to a point; thence extending along said property line in a easterly direction a distance of 222.7 feet to the northeast corner of lot 2 of Plat 1 of Hughes Subdivision; thence southerly along the east property line of Plat 1 of Hughes Subdivision and extending along a half-section line a distance of 4,300 feet to the southwest corner of the Southwest quarter of the Northwest quarter of Section 2, Township 17 North, Range 17 East; thence east along a said quarter section line a distance of 5,280 feet to the northeast corner of the Northwest quarter of the Southwest quarter of Section 1; thence southerly along a section line a distance of 2,640 feet to the southwest corner of the Southwest quarter of Southwest quarter of Section 1; thence east along the southern section line of Section 1 a distance of 1,540 feet to the northwest corner of Property lying in the Northeast quarter of the Northwest quarter of Section 12 of the Robert E. Paige property; thence south along the westerly property line of said property a distance of 1,320 feet to a quarter section line; thence west along quarter section line a distance of 1,540 feet to the northwest corner of the Southwest quarter of the Northwest quarter of Section 12; thence south along a section line a distance of 1,320 feet to the southwest corner of the Southwest quarter of the Northwest quarter of Section 12; thence east along a half-section line of Section 12 a distance of 5,600 feet to the center of the Alabama River; thence northerly along the center of the Alabama River a distance of 9,000 feet to the northeast corner of Section 1, Township 18 North, Range 17 East; thence north along the easterly Section line of Sections 25 and 26, Township 18 North Range 17 East; a distance of 7,920 feet to the northeast corner of the Northeast quarter of the Southeast quarter of Section 25; thence west along the half-section line of Section 25 and along the existing town limits a distance of 5,280 feet to the southeast corner of the Southeast quarter of the Northeast quarter of Section 26; thence north along the easterly section line of Section 26 a distance of 2,640 feet to the northeast corner of Section 26; thence west along said section line a distance of 1,320 feet to the northwest corner

of the Northeast quarter of the Northeast quarter of Section 26; thence south along said quarter section line a distance of 3,960 feet to the northeast corner of the Southwest quarter of the Southeast quarter of Section 26; thence west along said quarter section line and extending along the existing town limits a distance of 2,640 feet to the northwest corner of the Southeast quarter of the Southwest quarter of Section 26; thence south along the existing town limits line a distance of 1,320 feet to the northeast corner of the Northwest quarter of the Northwest quarter of Section 35; thence west along the northern section line of Section 35 of the existing town limits a distance of 1,320 feet to the point of beginning: Less property between the Louisville and Nashville Railroad and Rives Road described as: Starting at the southeast corner of Section 35, Township 18 North, Range 17 East; thence north along the easterly section line of Section 35 a distance of 900 feet to the southern Right of Way of Rives Road; thence northwest along the Southern Right of Way of Rives Road a distance of 600 feet to the northeast corner of Jenkins Brick property; said point being the point of beginning; thence southerly along the easterly property line of the Jenkins Brick Property a distance of 560 feet to the southeast corner; thence westerly along Jenkins Brick property line a distance of 1,280 feet to a point; thence northwesterly in a 45 degree angle a distance of 500 feet to the southern Right of Way of the Louisville and Nashville Railroad; thence northerly along said Right of Way a distance of 1,250 feet to the northwest corner of Jenkins Brick property; thence east along the northern property line of said property a distance of 440 feet to the Southern Right of Way of Rives Road; thence southerly along said Right of Way a distance of 1,340 feet to the point of beginning said property not included in annexation.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

To amend Act No. 519, H. 1172, Regular Session 1975 (Acts 1975, p. 1165), which act grants certain powers to borrow money to boards of education in counties having populations of not less than 90,000 nor more than 100,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide further for the majority consent of the boards of education to secured loan agreements and to provide further for the repayment of loans authorized by said act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 519, H. 1172, Regular Session 1975 (Acts 1975, p. 1165) is hereby amended to read as follows:

"Section 4. All loans secured under this act shall be secured by the board of education, upon the recommendation of the Superintendent and Board of education member, who represents the district that the loan is being secured for and shall have the majority consent of the board, expressed by resolution. Any loan secured under this act shall be secured for an individual district only and the revenue used for collateral shall be the revenue allocated to that district. All loans shall be limited to an amount, whereby all interest and principal shall be paid back within thirty years, from the date the loan was made."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 747

H. 1260—Killian

AN ACT

To further amend Section 259 of Title 46 of the Code of Alabama of 1940, as amended, which statute relates to the State Board of Medical Examiners granting certificates of qualification to practice medicine, so as to suspend the application of parts (2) and (3) of subsection (b) with respect to certain applicants, and to limit the counties in which such person may practice.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 259 of Title 46 of the Code of Alabama of 1940, as amended, is further amended so as to read as follows:

"Section 219. Qualification of Applicants; Scope of Examination. (a) Any applicant for a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama who has graduated from a college of medicine or osteopathy in the

United States, District of Columbia, the territories of the United States, or the provinces of Canada which have been approved by the Board of Medical Examiners shall submit to the Board of Medical Examiners (1) a diploma showing graduation from such college of medicine or osteopathy; (2) Evidence satisfactory to the Board that the applicant has completed at least one year of internship at a hospital approved by the Board of Medical Examiners.

“(b) Any applicant for a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama who has not graduated from a college of medicine or college of osteopathy located in the United States, District of Columbia, territories of the United States, or provinces of Canada shall submit to the Board of Medical Examiners (1) a diploma showing graduation from a college of medicine or osteopathy; (2) Evidence satisfactory to the Board that the applicant has completed the requirements for a resident physician or resident surgeon in a hospital approved by the Board of Medical Examiners; (3) Evidence satisfactory to the Board the applicant has completed all the requirements for taking the examination of one of the specialty boards approved by the American Medical Association; (4) Evidence satisfactory to the Board that the applicant has been certified by the Education Council for Foreign Medical Graduates. Provided, however, that the State Board of Medical Examiners may, in its discretion, and upon receipt of a written statement from a county board of health and a county governing body that there is a serious shortage of physicians in that county, suspend the application of parts (2) and (3) of this subsection (b) with respect to an applicant who has completed one year of internship and two years of residency training in a hospital approved by the Board, and who meets the requirements of Section 267 (b) of the Code of Alabama 1940 as amended. The Certificate of Qualification issued pursuant to such a showing of a serious shortage of physicians in a county shall be limited to that county and any attempt by a physician to whom such a certificate is issued to practice medicine outside of the borders of that county shall result in the immediate and automatic revocation without notice of the Certificate of Qualification issued to him.”

“(c) Any applicant for a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama who has complied with the requirements set forth in the preceding subsections, shall be permitted to take the examination given by the National Board of Medical Examiners, the Federation Licensing Examination, or any other examination which is or shall be approved by the Board of Medical Examiners and which examines in the following branches of medical learning, to wit: General medicine, surgery, obstetrics, gynecology, preventive medicine

and jurisprudence, and such other branches as the Board may require.

“(d) Any applicant who successfully completes such examinations with a passing score acceptable to the Board of Medical Examiners shall be issued a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 748

H. 1261—Dial

AN ACT

To amend Section 1 of Act No. 165, H. 130, 1971 Special Session (Acts of 1971, p. 4413), entitled “An Act Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge’s office of such counties,” so as to increase the amount of such allowance from a maximum of \$15,000 per annum to a maximum of \$20,000 per annum; to provide that such allowance shall be paid from any available funds and to provide that the provisions of this act shall be retroactive to October 1, 1973.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 165, H. 130, 1971 Special Session (Acts of 1971, p. 4413), entitled, “An Act Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge’s office of such counties,” is hereby amended to read as follows:

“Section 1. The county commission of counties having a population of not less than 10,900 nor more than 11,500 according to the 1970 or any subsequent federal decennial census is hereby authorized to pay to the Probate Judge of such counties a clerk hire allowance not to exceed \$20,000 per annum, said sum to be paid out of the general fund or any other available funds of said counties.”

Section 2. This act shall have retroactive effect to October 1, 1973.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 749

H. 968—McNair

AN ACT

To authorize and direct the Alabama Board of Nursing to develop, implement and conduct continuing education programs for nurses; and for such purposes to make an appropriation to the Board.

Be It Enacted by the Legislature of Alabama:

Section 1. To meet the health care needs of the citizens of Alabama and to cope with the rapidly changing methods of health care delivery, the Alabama Board of Nursing is authorized and directed to provide quality continuing education programs, seminars and workshops to acquaint and educate nurses in the most current and modern nursing procedures. These continuing education programs in nursing shall be designed to insure that nurses will be educated in the latest technics of health care delivery.

Section 2. The Alabama Board of Nursing is authorized and directed to develop continuing education programs designed to meet the criteria outlined in Section 1. The Alabama Board of Nursing is authorized to make grants, contracts, appropriations and to otherwise arrange with qualified individuals, institutions or agencies to develop and implement comprehensive nursing education programs, seminars and workshops that will insure the promotion, dissemination and availability of modern nursing and health care technics to the citizens of Alabama.

Section 3. The Board of Nursing is hereby authorized and directed to establish plans, programs and criteria sufficient to carry out continuing education programs for nurses outlined in Sections 1 and 2 of this Act.

Section 4. There is hereby appropriated from the funds of the Board of Nursing the sum of Fifty Thousand and No/100 (\$50,000.00) Dollars for the fiscal year 1976-77. Such funds are to be used solely for the development and production of programs, seminars and workshops authorized under the provisions of this Act. Any funds not expended for the fiscal year 1976-77, shall revert to the account of the Board of Nursing in the State Treasury. All expenses in developing and conducting the educational programs, seminars and workshops shall be paid from funds of the Board of Nursing and no expenses shall be borne by the State of Alabama from the General Fund of the State.

Section 5. The provisions of this Act are severable. If any part of this Act is declared unconstitutional or invalid, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 750

H. 1272—Starkey, Lutz

AN ACT

To authorize Jackson County to provide a civil service merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system.

Be It Enacted by the Legislature of Alabama:

Section 1. This law is enacted so that Jackson County may be provided an acceptable civil service merit system governing the appointment, removal, salaries, tenure and official conduct of its law enforcement officers.

Section 2. As used in this act, the following words and terms shall, unless the context requires a different interpretation, have the meaning hereby respectively ascribed to them: "law enforcement officer" means and includes a policeman, policewoman, deputy sheriff, and other official who has authority to make arrests, and who are employed by Jackson County as a permanent and regular employee for and subject to law enforcement duties, but it does not include any person elected by popular vote. "Civil service merit system" means a civil service merit system which is approved by the Jackson County governing body.

Section 3. The Jackson County governing body may establish separately or jointly, a civil service merit system governing the appointment, removal, salaries, tenure and official conduct of any or all county law enforcement officers. Nothing contained herein shall be construed to prohibit the county governing body from establishing the salaries of the law enforcement officers in said county.

Section 4. Each law enforcement officer in the civil service of said county shall upon the effective date of such agreement be classified to the nearest classification of their present work assignment, location and pay. Said governing body may exclude the chief deputy or any other officers from the force and effect of the merit system.

Section 5. The county governing body of Jackson County may contract with the state personnel board for the state personnel board to furnish the services and facilities to such county in the administration of its law enforcement officers on merit principles.

Section 6. Every such agreement with the state director of personnel to furnish such services and facilities of the state personnel department to such counties shall provide for the reimbursement to the state of the reasonable cost of the services and facilities furnished as determined by the state director of personnel. Funds obtained as reimbursement for such services shall be deposited into the accounts of the state personnel department and may be expended to help defray the expenses of said department.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this act are repealed.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 751 H. 243—Pegues, Manley, Campbell, Riddick,
Smith (B), Ford, Folmar, Callahan,
Sandusky, Sonnier, Lee, Martin,
Falkenburg, McNees

AN ACT

To amend Act No. 343, H. 71, 1957 Regular Session, to provide further for competitive bidding on public contracts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 343, H. 71, 1957 Regular Session (Acts 1957, p. 452, now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 494) as amended, is amended further to read as follows:

“Section 1. All contracts of whatever nature for labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property, involving two thousand dollars (\$2,000.00) or more, made by or on behalf of any state department, board, bureau, commission, committee, institution, corporation, authority, or office shall, except as herein after otherwise provided, be let by free and open competitive bidding, on sealed bids, to the lowest responsible bidder.”

Section 2. Section 2 of Act No. 343, H. 71, 1957 Regular Session (Acts 1957, p. 452, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 495) as amended, is amended further to read as follows:

"Section 2. (a) Competitive bids shall not be required for utility services where no competition exists or where rates are fixed by law or ordinance; to the purchase of insurance by the state; to contracts for the securing of services of attorneys, physicians, architects, teachers, superintendents of construction, artists, appraisers, engineers, or other individuals possessing a high degree of professional skill where the personality of the individual plays a decisive part; contracts of employment in the regular civil service of the state; to tourist advertising by the state bureau of publicity and information authorized under Section 492 of this title; to purchases of alcoholic beverages only by the alcoholic beverage control board; to purchases by the state highway department of local materials from any property owners in the vicinity of project on which such local materials shall be used; or to purchases and contracts for repair of equipment used in the construction and maintenance of highways by the state highway department; to purchases of products made or manufactured by the blind or visually handicapped under the direction or supervision of the Alabama Institute for Deaf and Blind in accordance with Act No. 542, approved September 9, 1955 (Title 52, Sections 534(4a) to 534(4d)); to purchases of maps or photographs purchased from any federal agency; to purchases of manuscripts, maps, books, pamphlets, or periodicals purchased for the use of any state library or any other library in the state supported in whole or in part by state funds; to contractual services and purchases of commodities for which there is only one vendor or supplier; to contractual services and purchases of personal property, which by their very nature are impossible of award by competitive bidding; to barter transactions by the board of corrections; to purchases, contracts, or repairs by the state docks when it is deemed by the director of the state docks and its secretary-treasurer that such purchases, contracts, or repairs are impractical of award by competitive bidding due to the exigencies of time or interference with the flow of commerce; provided, however, that the director of the state docks and its secretary-treasurer shall place a sworn statement in writing in the permanent file or records setting out the emergency relied upon and the necessity for negotiation instead of proceeding by competitive bidding in said instance, and such sworn statement shall be open to public inspection. A copy of such sworn statement shall be furnished forthwith to the chief examiner of public accounts.

"(b) All educational and eleemosynary institutions gov-

erned by a board of trustees or other similar governing body and the state docks department shall be exempt from the provisions of this act which relate to the powers, duties, authority, restrictions and limitations conferred or imposed upon the department of finance, division of purchases and stores; provided, however, that the said educational and eleemosynary institutions, the state docks department and the other state agencies herein exempt from the provisions of this act or any part hereof shall let by free and open competitive bidding on sealed bids to the lowest responsible bidder all contracts of whatever nature for labor, services or work or for the purchase or lease of materials, equipment, supplies or other personal property involving two thousand dollars (\$2,000.00) or more. The said institutions, departments and agencies shall establish and maintain such purchasing facilities as may be necessary to carry out the intent and purpose of this act by complying with the requirements for competitive bidding in the operation and management of each such institution, department or agency. Contracts entered into in violation of this act shall be void."

Section 3. Act No. 343, H. 71, 1957 Regular Session (Acts 1957, p. 452) as amended, is amended further by inserting after Section 2 thereof the following new section:

"Section 2(1) The governing authority of two or more agencies within the same county or adjoining counties, whose contracts are required under this act to be let by competitive bidding, may provide by joint agreement for the purchase of labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property, for use by their respective agencies. Such agreement shall be entered into by similar executive orders or resolutions issued or adopted by each of the participating governing authorities which shall set forth the categories of labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property to be purchased, the manner of advertising for bids and of awarding of contracts, the method of payment by each participating contracting agency, and other matters deemed necessary to carry out the purposes of the agreement. Each contracting agency's share of expenditures for purchases under any such agreement shall be appropriated and paid in the manner set forth in the agreement and in the same manner as for other expenses of the contracting agency. The contracting agencies entering into a joint agreement, as herein permitted, may designate a joint purchasing agent and such agent shall have the responsibility to comply with the provisions of this act. It is provided further that purchases, contracts, or agreements made pursuant to a joint purchasing agreement shall be subject to all of the terms and conditions of this act."

Section 4. Section 6 of Act No. 343, H. 71, 1957 Regular Session (Acts 1957, p. 453; now appearing in Code of Alabama Recompiled 1958, Title 55, Section 499) as amended, is amended further to read as follows:

"Section 6. The purchasing agent shall advertise for sealed bids on all purchases in excess of two thousand dollars (\$2,000.00) by posting notice thereof on a bulletin board maintained outside his office door or by publication of notice thereof one time in a newspaper published in Montgomery County, Alabama, or in any other manner and for such lengths of time as he may determine, provided, however, that the purchasing agent shall also solicit sealed bids by sending notice by mail to all persons, firms or corporations who have filed a request in writing that they be listed for solicitation on bids for such particular items as are set forth in such request. If any person, firm, or corporation whose name is listed fails to respond to any solicitation for bids, after the receipt of three such solicitation (solicitations), such listing may be cancelled by the purchasing agent, at his discretion. All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents pertaining to the award of the contract shall be retained and made a part of a permanent file or records, and shall be open to public inspection. If the purchase or contract will involve an amount of two thousand dollars (\$2,000.00) or less, the purchasing agent may make such purchases or contracts either upon the basis of sealed bids or in the open market, at his discretion. No purchase or contract involving an amount in excess of two thousand dollars (\$2,000.00) shall be divided into parts involving amounts of two thousand dollars (\$2,000.00) or less for the purpose of avoiding the requirements of this chapter. All such partial contracts involving two thousand dollars (\$2,000.00) or less shall be void."

Section 5. Section 9 of Act No. 343, H. 71, 1957 Regular Session (Acts 1957, p. 452; now appearing in Code of Alabama Recompiled 1958, Title 55, Section 502) as amended, is amended further to read as follows:

"Section 9. When purchases are required to be made through competitive bidding, award shall be made to the lowest responsible bidder taking into consideration the qualities of the commodities proposed to be supplied, their conformity with specifications, the purposes for which required, the terms of delivery, transportation charges, and the dates of delivery. The purchasing agent in the purchase of or contract for personal property or contractual services shall give preference, provided there is no sacrifice or loss in price or quality, to commodities produced in Alabama or sold by Alabama persons, firms, or

corporations. It is provided, however, that the awarding authority may at any time within five days after the bids are opened, negotiate and award the contract to any one provided he secures a price at least five percent (5%) under the low acceptable bid. The award of such a negotiated contract shall be subject to approval by the director of finance and the governor. The awarding authority or requisitioning agency shall have the right to reject any bid if the price is deemed excessive or quality of product inferior. Each bid, with the name of the bidder, shall be entered on a record. Each record, with the successful bid indicated thereon, and with the reasons for the award if not awarded to the lowest bidder, shall, after award of the order or contract, be open to public inspection. Contracts for the purchase of personal property or contractual services shall be let for periods not greater than one year."

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 752

H. 1020—Turnham

AN ACT

To amend Section 1 of Act No. 1209, S. 223, Regular Session 1973 (Acts of 1973, p. 2031, now appearing in Code of Alabama, Recompiled 1958, as Title 52, Section 13 (1)) so as to increase the expense allowance of members of the State Board of Education from \$100 to \$200 per month.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 1209, S. 223, Regular Session 1973 (Acts of 1973, p. 2031, now appearing in Code of Alabama, Recompiled 1958, as Title 52, Section 13 (1)) is hereby amended to read as follows:

"Section 1. Each member of the State Board of Education shall be entitled to an expense allowance of two hundred dollars (\$200) per month which shall be in addition to the per diem compensation and actual traveling and other necessary expenses incurred in attending meetings and transacting the business of the board, as provided in Code of Alabama 1940, Title 52, Section 13. The provisions of Act No. 470, S. 182, Regular Session 1969 (Acts 1969, p. 912), an act regulating the payment of expenses of state officers and employees traveling on state business, shall not be applicable to members of the State Board of Education."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 753

H. 497—Smith (B)

AN ACT

To provide for a voluntary anatomical gift to be made by the holder of a valid Alabama driver license or non-driver identification card by executing a sworn affidavit to be filed with the Department of Public Safety; to provide for notice of intent to make a gift on the driver license or non-driver identification card of the donor; and to provide civil immunity to the officers and employees of the Department of Public Safety in carrying out the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. A gift of all or part of the body may be made by the holder of a valid Alabama driver license or non-driver identification card by the execution of a sworn affidavit to be filed with the Department of Public Safety. Notice of intent to make a gift shall be noted on the driver license or non-driver identification card of the donor in a manner to be determined by the Department of Public Safety. The gift shall become effective on the death of the donor without any formal requirements of delivery.

The affidavit shall be signed by the holder of the driver license or non-driver identification card in the presence of two witnesses who shall acknowledge the affidavit in the presence of the donor.

The gift shall become invalidated upon the expiration, cancellation, revocation or suspension of a driver license or non-driver identification card.

The gift shall not become invalidated if the driver license or non-driver identification card is properly renewed before the expiration date.

Section 2. The officers and employees of the Department of Public Safety shall be immune from any civil liability from any acts or omissions in carrying out the provisions of this act.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1976.

Time: 6:00 P.M.

Act No. 754

S. 231—Shelby

AN ACT

To provide an alternative sentencing procedure which authorizes the courts to impose a minimum term for imprisonment with the remainder of the sentence to be served on probation.

Be It Enacted by the Legislature of Alabama:

Section 1. When a defendant is convicted of an offense and receives a sentence of ten years or less, in any court having jurisdiction to try offenses against the State of Alabama, and the judge presiding over the case is satisfied that the ends of justice and the best interest of the public as well as the defendant will be served thereby, he may order that the convicted defendant be confined in a prison, jail-type institution, or treatment institution for a period not exceeding one year and that the execution of the remainder of the sentence be suspended and the defendant be placed on probation for such period and upon such terms as the court deems best.

Probation may be granted whether the offense is punishable by both fine or imprisonment or both. If an offense is punishable by both fine and imprisonment, the court may impose a fine and place the defendant on probation as to imprisonment. Probation may be limited to one or more counts or indictments, but, in the absence of express limitation, shall extend to the entire sentence and judgment.

The court may revoke or modify any condition of probation, or may change the period of probation.

While on probation and among the conditions thereof, the defendant—

May be required to pay a fine in one or several sums; and

May be required to make restitution or reparation to aggrieved parties for actual damages or loss caused by the offense for which conviction was had; and

May be required to provide for the support of any persons, for whose support he is legally responsible.

The defendant's liability for any fine or other punishment imposed as to which probation is granted, shall be fully discharged by the fulfillment of the terms and conditions of probation.

Section 2. During any term of probation, the defendant shall report to the probation authorities at such time and place as directed by the judge imposing sentence.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1976

Time: 6:00 P.M.

Act No. 755

H.J.R. 326—Pegues, Killian, Cooper,
White, Falkenburg

HOUSE JOINT RESOLUTION

CREATING A SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICARE AND MEDICAID PROGRAMS.

WHEREAS, the Medicare and Medicaid programs of the State of Alabama are taking a larger and larger portion of the funds in the state treasury; and

WHEREAS, the nursing home programs under the medicare and medicaid programs are costing more and more; and

WHEREAS, the members of the general public and state officials are becoming alarmed at the increasing cost of these programs to the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select committee to be composed of five members of the House and four members of the Senate to be appointed by the presiding officer of each respective house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the medicare and medicaid

program with particular emphasis on the increasing cost to the state of such programs. The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1977 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman, provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session. The Committee shall be limited to ten meeting days.

Approved August 24, 1976.

Time: 6:00 P.M.

Act No. 756

S. 573—Clemon

AN ACT

To amend Act No. 431, Ex. Sess., 1966, relating to restrictions on the sale of groceries on Sunday in each county having a population of 500,000 or more according to the last or any succeeding federal census, so as to increase the maximum number of employees that may be employed in a store authorized to stay open on Sunday from four to six.

Be It Enacted by the Legislature of Alabama:

Sections 1 and 2 of Act No. 431, Ex Sess., 1966, an act relating to the sale of groceries on Sunday in counties of population exceeding 500,000 according to the last or any succeeding federal census, are hereby amended to read as follows:

"Section 1. Declaration of Legislative finding and policy: The maintenance of the public health is of vital importance to the general welfare of the State and its people. This is particularly true where there are large concentrations of population. For the protection of the public health and general welfare it is deemed essential that one day be set aside each week as a day of rest and relaxation in counties to which this Act applies. This can best be accomplished and the enforcement thereof can best be placed by setting aside Sunday which is generally recognized and observed as a day of rest. Section 420, Title 14, Code of

Alabama, 1940, as amended, has made unlawful the general performance of labor and other activities on Sunday and has provided penalties for the violation thereof subject to certain enumerated exceptions which are deemed by the Legislature to be reasonable and necessary. The legislature further finds and declares that in order to enjoy such a day of rest and relaxation that the public should be given the right as an additional exception to said Section 420 to purchase on Sunday goods usually and normally sold in grocery stores subject to reasonable restrictions on the number of employees that may be employed in such stores selling such goods on Sunday. It is further the finding of the Legislature that a reasonable restriction on the number of employees would be to permit to remain open on Sunday for the sale of such goods only those stores that have no more than six employees on duty at any one time on Sunday. The Legislature further finds that there is a public necessity for the purchase on Sunday of merchandise usually and normally sold in grocery stores and that this necessity must be met but that reasonable restrictions as set out above should be placed thereon.

"Section 2. It shall be lawful for any grocery store to remain open on Sunday in each County in the State having a population of 500,000 or more according to the last or any succeeding federal census providing that such grocery store does not have on duty in such store more than six employees at any one time on Sunday; provided that each such grocery store shall first obtain a special license to operate on Sunday from the license issuing officer of such County. The license issuing officer of such County shall issue a license only to such individual grocery stores or outlets as shall pay a license fee of \$25 and only to such individual grocery stores or outlets in each community as are determined to be required by the public convenience and necessity. All license fees shall be paid into the general fund of such County."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1976.

Time: 6:00 P.M.

Act No. 757

S. 606—Vacca

AN ACT

Relating to all counties having a population of 600,000 or more inhabitants according to the 1970 or any subsequent federal decennial

census; giving constables in all such counties the exclusive power to serve all civil processes in the geographical district or areas for which they were respectively, elected or appointed.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in those counties having a population of 600,000 or more inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In all such counties, any law to the contrary notwithstanding, the constable or his duly authorized deputy is hereby vested with the exclusive power to serve in the geographical district or area for which such constable was elected or appointed all civil processes issuing out of any court in the state; and each constable shall have the right to demand that any civil process issuing out of any court which is to be served in the geographical district or area for which such constable has been elected or appointed, be served by him and to collect fees therefor. The constable shall receive the same fee as now provided by law for other officers of the court serving civil processes.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of law, general, special, or local in conflict with any provisions of this Act, shall be and the same are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1976.

Time: 6:55 P.M.

Act No. 758

S. 607—Vacca

AN ACT

Relating to all counties having a population of 600,000 or more inhabitants according to the 1970 or any subsequent federal decennial census; giving the constables or his duly authorized deputies in such counties the exclusive authority to serve all civil subpoenas in the geographical district or areas for which they were respectively, elected or appointed, except for jury or grand jury service; and vesting in the sheriffs or his deputies the exclusive authority to serve all criminal subpoenas.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in those counties having a population of 600,000 or more inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In all such counties, any law to the contrary notwithstanding, the constable or his duly authorized deputy is hereby vested with the exclusive power to serve in the geographical district or area for which such constable was elected or appointed all civil processes issuing out of any court in the state; and each constable shall have the right to demand that any civil process issuing out of any court which is to be served in the geographical district or area for which such constable has been elected or appointed, be served by him and to collect fees therefor. The constable shall receive the same fee as now provided by law for other officers of the court serving civil processes.

Section 3. In all such counties, any law to the contrary notwithstanding, the sheriff or his duly authorized deputy is hereby vested with the exclusive authority to serve all criminal subpoenas issuing out of any court; and each such sheriff shall have the right to demand that all such criminal subpoenas issuing out of any court be served by him and collect fees therefor as now provided by law.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of law, general, special or local in conflict with any provisions of this Act shall be and the same are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1976.

Time: 6:55 P.M.

Act No. 759

S. 497—McDonald (S)

AN ACT

To provide for a supplemental salary for the circuit judges of the Thirtieth Judicial Circuit, to be paid equally by the counties comprising such circuit; and to fix the amount and method of payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the salary paid to each of the circuit judges of the Thirtieth Judicial Circuit by the State there shall also be paid to each of said judges a supplemental salary in a sum equal to forty percent of the salary paid each of said judges by the State of Alabama. Such supplemental salary shall be paid out of the general funds of each of the counties comprising such circuit in equal amounts and in equal monthly installments at the same time and in the same manner that the salaries of other county employees are paid. The supplemental salary herein provided for shall be in lieu of any other supplemental salary heretofore provided for by law to be paid by the counties in such circuit; however, it shall be in addition to any other salary, compensation, allowance or expenses paid from the State as provided by law, and also in addition to any expense allowance paid from the counties composing such circuit pursuant to general law.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1976.

Time: 6:00 P.M.

Act No. 760

H. 167—Sonnier

AN ACT

To amend Act No. 651, H. 377, Regular Session 1975, which act provides retirement benefits for elected officials of certain municipalities on a population basis, so as to include certain past services as a basis for such officials to receive benefits under said act.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2, 3, and 4 of Act No. 651, H. 377, Regular Session 1975 are hereby amended to read as follows:

"Section 2. Any elected official of any such municipality who previously has served, or who is presently serving, or who in the future may serve as such elected official, and serves for a period of not less than twelve (12) years, shall be paid a retirement benefit equal to thirty (30) per cent of the average

compensation he received as a salary during the five (5) highest paid years which he served as such elected official, which said benefit shall be payable monthly.

"Section 3. Any elected official of any such municipality who previously has served, or who is presently serving, or who in the future may serve as such elected official, and serves for a period of not less than sixteen (16) years, shall be paid a retirement benefit equal to forty (40) percent of the average compensation he received as a salary during the five (5) highest paid years while he served as such elected official, which said benefit shall be payable monthly.

"Section 4. Any elected official of any such municipality who previously has served, or who is presently serving, or who in the future may serve as such elected official, and serves for a period of not less than twenty (20) years, shall be paid a retirement benefit equal to fifty (50) percent of the average compensation he received as a salary during the five (5) highest paid years while he served as such elected official, which said benefit shall be payable monthly provided that the amount of such retirement benefit shall not be less than fifty (50%) percent of the compensation of any such elected official on October 5, 1965."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1976.

Time: 6:00 P.M.

Act No. 761

H. 710—Jackson (F), Holley, Smith (J)

AN ACT

To amend Section 7-101 of Act No. 1205, S. 400 of the 1975 Regular Session (Acts 1975, Vol. IV, p. 2384), which section relates to county personnel serving district and circuit courts, so as to prohibit such present full-time personnel's employment from being discontinued solely because of the provisions of Act No. 1205 of the 1975 Regular Session (Acts 1975, Vol. IV, p. 2384) and to exempt such persons who were so employed prior to the effective date of said Acts from being prosecuted under the provisions of Act No. 588, S. 52 of the 1963 Regular Session (Acts 1963, Vol. 2, p. 1285).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7-101 of Act No. 1205, S. 400 of the 1975 Regular Session (Acts 1975, Vol. IV, p. 2384) is hereby amended so as to read as follows:

"Section 7-101. Court personnel become employees of the state: court personnel become subject to benefits and regulations as other state employees; settlement of dispute regarding which persons are court personnel.

"(a) Court personnel. All full-time county personnel including all persons for whom funding is provided by the unified judicial budget, serving the district and circuit courts, other than sheriff's deputies and employees and building maintenance and security personnel shall become employees of the State of Alabama on October 1, 1977. No such personnel so employed as of the effective date of this Act shall be deemed to be ineligible to continue as an employee of the respective courts by virtue of or by operation of the provisions of Act No. 588, S. 52 of the 1963 Regular Session (Acts 1963, Vol. 2, p. 1285); nor shall such person be deemed to be in violation of the provisions of Act No. 588, S. 52 of the 1963 Regular Session (Acts 1963, Vol. 2, p. 1285).

"(b) Benefits. Except as otherwise provided by law or rule, all court personnel employed by the state shall be subject to the state merit system, retirement and other benefits applicable to other state employees.

"(c) Definition of court personnel. Any controversy regarding the composition of that class of persons qualifying as court personnel shall be determined by the administrative director of courts with the advice and consent of the supreme court except where such determinations relate to eligibility, membership, benefits or any other question whatsoever related to retirement, such determination shall be made by the board of control of the employee's retirement system of Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1976.

Time: 6:00 P.M.

Act No. 762

S. 610—Edwards

AN ACT

Relating to Morgan County; to provide that the Morgan County Commission shall have the right to perform surfacing, maintenance and work on public roads anywhere within the county, including within the limits of incorporated municipalities; to provide that the provisions of this act shall terminate May 1, 1978.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Morgan County is hereby authorized and empowered to do surfacing, maintenance or any type of work or supply materials therefor, or both, on any public road located within Morgan County, including public roads within the limits of any incorporated municipality.

Section 2. The County Commission of Morgan County shall submit to the members of the Morgan County legislative delegation each six (6) months a detailed report showing the type and value of materials supplied and work performed to each of the municipalities in said county.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 4. The provisions of this act shall terminate on May 1, 1978, and this act shall become null and void on said date.

Approved August 26, 1976.

Time: 6:35 P.M.

Act No. 763

H. 387—Merrill

AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, and for the interest on the public debt and for the public schools.

Be It Enacted by the Legislature of Alabama:

Section 1. That, for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable to the appropriations herein made: (a) "salary" and "other salaries" wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases, and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rentals and items of general expense not defined

as "equipment purchases" (c) "equipment purchases" shall mean those items of office equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment only.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government for the interest on the public debt, and for the public schools for the fiscal year ending September 30, 1977, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor. It is provided that the amount expended for "equipment purchases" and "automotive equipment purchases" shall not be increased by the expenditure of any revenue derived from the sale, trade-in or exchange of the items of personal property described in Section 1 (c) and (d) hereof. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State Employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

FROM THE GENERAL FUND

I. LEGISLATIVE:

A. EXPENSES OF THE LEGISLATURE:

- | | |
|--|--------------|
| (1) For salaries of the Clerk of the House and the Secretary of the Senate and for other salaries and other expenses and for salaries and expenses of the members of the Legislature, and to provide for, and bring up to date, payment to those permanent employees of the legislature who have not yet been paid the cost of living increases provided for by Act No. 761 of the 1973 Regular Session and any subsequent acts providing cost of living pay increases | 2,300,000.00 |
| (2) For printing of Legislative Acts and Journals | 112,500.00 |
| (3) National Conference of State Legislators | 25,530.00 |
| (For the purpose of paying the State's | |

share of the operation of the National Conference of the State Legislatures.)

- (4) For the Legislative Fiscal Office to be used for salaries, other expenses, and equipment purchases 55,000.00

B. LEGISLATIVE REFERENCE SERVICE:

- (1) For operation of the Department: For salary of the Director, other salaries, other expenses, and equipment purchases 395,000.00

C. LEGISLATIVE COUNCIL:

- (1) For operations of the Council: (Including out-of-state travel by Council members and members of the Legislature authorized to attend legislative conferences by joint resolution of the Legislature.) 50,000.00

D. COMMISSION ON INTERGOVERNMENTAL COOPERATION:

- (1) For salaries, other expenses, equipment purchases and for matching federal funds 88,000.00
(Any portion of the above appropriation can be used by the Commission for Reorganization of the State Government project and employees shall not be subject to, nor governed by the provisions of the State Merit System Law.)

E. DEPARTMENT OF EXAMINERS OF PUBLIC ACCOUNTS:

- (1) For salaries, other expenses, equipment purchases, and automotive equipment purchases 2,541,514.00

F. CODE REVISION:

- For salaries, expenses and the Alabama Code Revision Committee 25,000.00
(Provided that no part of the above appropriation shall be expended after the publication and delivery of the Code to the State of Alabama)

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| G. For the annual meeting of the Legislative Advisory Council of the Southern Regional Education Board in Alabama in 1977 | 6,000.00 |
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II. JUDICIAL:

(1) COURT OF CIVIL APPEALS:

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|--|-----------|------------|
| For salaries of the Judges..... | 99,000.00 | |
| For salaries of Law Clerks... | 39,858.00 | |
| For salary of Clerk of Court | 27,170.00 | |
| For other salaries | 75,000.00 | |
| For other expenses | 17,500.00 | |
| For rental of office space | 27,125.00 | |
| For equipment and book purchases | 1,000.00 | |
| For printing Appellate Court Reports | 7,400.00 | |
| | <hr/> | |
| Total | | 294,053.00 |

(2) COURT OF CRIMINAL APPEALS:

| | | |
|--|------------|------------|
| For salaries of the Judges ... | 165,000.00 | |
| For salary of Clerk of Court | 27,170.00 | |
| For salaries of Law Clerks... | 66,430.00 | |
| For other salaries | 120,000.00 | |
| For other expenses | 26,000.00 | |
| For equipment purchases | 2,000.00 | |
| For printing Appellate Court Reports | 8,000.00 | |
| | <hr/> | |
| Total | | 414,600.00 |

(3) The District Attorneys:

| | | |
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| For salaries of District Attorneys | 936,000.00 | |
| For salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit | 23,000.00 | |
| For salary of the appointed Assistant Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit | 3,600.00 | |
| For salary of the Deputy District Attorney of the 1st | | |

| | |
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| Judicial Circuit | 3,600.00 |
| For salary of the Deputy District Attorney of the 4th Judicial Circuit | 24,000.00 |
| For salaries of Deputy District Attorneys of the 6th Judicial Circuit | 15,600.00 |
| For salary of the Deputy District Attorney of the 7th Judicial Circuit | 6,900.00 |
| For salary of the Deputy District Attorney of the 8th Judicial Circuit | 10,800.00 |
| For salaries of Deputy District Attorneys of the 9th Judicial Circuit | 7,200.00 |
| For salaries of Deputy District Attorneys of the 10th Judicial Circuit | 144,000.00 |
| For salary of the Deputy District Attorney of the 11th Judicial Circuit | 4,500.00 |
| For salaries of Deputy District Attorneys of the 13th Judicial Circuit | 90,000.00 |
| For salary of the Assistant District Attorney of the 14th Judicial Circuit | 7,200.00 |
| For salaries of Deputy District Attorneys of the 15th Judicial Circuit | 126,250.00 |
| For salaries of Deputy District Attorneys of the 16th Judicial Circuit | 6,000.00 |
| For salaries of Deputy District Attorneys of the 23rd Judicial Circuit | 63,000.00 |
| For salaries of Deputy District Attorneys of the 26th Judicial Circuit | 13,000.00 |
| For salary of the Deputy District Attorney of the 27th Judicial Court | 7,200.00 |
| For salary of the Deputy District Attorney of the 29th Judicial Circuit | 7,200.00 |
| For salaries of Deputy District Attorneys of the 31st Judicial Circuit | 4,200.00 |

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|---|-----------|
| For salary of the Deputy District Attorney of the 32nd Judicial Circuit | 9,600.00 |
| For salary of the Deputy District Attorney of the 38th Judicial Circuit | 3,600.00 |
| For travel expenses of District Attorneys | 50,000.00 |
| For salary of the stenographic secretary of the 6th Judicial Circuit | 1,200.00 |
| For telephone service, stationery, stamps and necessary office supplies for the office use of the District Attorneys, Deputy District Attorneys or Assistants | 50,000.00 |
| (Provided, however, that none of this appropriation shall be expended for books and equipment purchases.) | |
| For salaries of Public Defenders for the 21st Judicial Circuit, as provided by Act No. 1158, 1969 Regular Session | 24,000.00 |

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| Total | 1,641,650.00 |
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|---|------------|
| For salaries and expenses of Supernumerary District Attorneys | 367,000.00 |
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(4) UNIFIED JUDICIAL SYSTEM:

- (a) Administrative Office of Courts
- (b) Trial Courts: Judges' Salaries, Travel, Education, Equipment Purchases and Special Judges
- (c) Department of Court Management
- (d) Circuit Clerks and Registers: Salaries, Office Expenses and Travel

- (e) Supernumerary Clerks and Registers
- (f) Official Court Reporters: Salaries, Travel and Equipment
- (g) Supernumerary Court Reporters
- (h) Magistrates
- (i) Supernumerary and Retired Judges Salaries and Expenses
- (j) Court of the Judiciary
- (k) Indigent Defense Commissions
- (l) Judicial Compensation Commission
- (m) Judicial Conference
- (n) Judicial Inquiry Commission
- (o) Jurors, Jury Commissions and Witnesses
- (p) Permanent Study Commission on Alabama's Judicial System
- (q) Court Supportive Personnel
- (r) Matching Funds for Federal Grants
- (s) All other judicial agencies, commissions, boards, conferences and related purposes as may be provided by law.

Total operating costs

9,875,000.00

(The maximum amount of expenditures for the above judicial agencies, commissions, departments, offices, boards, conferences, courts and purposes shall not ex-

ceed the revenues collected under the provisions of Act No. 1205, 1975 Regular Session, and paid into the State General Fund.)

| | | |
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| (5) FOR THE JUDICIAL RETIREMENT SYSTEM | | 1,116,000.00 |
| (6) For operation of the Alabama Criminal Justice Information Center | | 234,000.00 |
| (7) THE SUPREME COURT: | | |
| For salaries of the Chief Justice and eight Associate Justices | 301,500.00 | |
| For salary of the Clerk of Court | 27,170.00 | |
| For salary of the Marshal and Librarian | 27,170.00 | |
| For salary of Reporter of Decisions | 22,542.00 | |
| For salary of Deputy Clerk of Court | 22,542.00 | |
| For salaries of Law Clerks ... | 119,574.00 | |
| For other salaries | 389,948.00 | |
| For other expenses | 100,000.00 | |
| For equipment purchases ... | 7,000.00 | |
| For automotive equipment purchases | | |
| For the Chief Justice | 6,500.00 | |
| For Printing Alabama Reports | 14,035.00 | |
| Total | | 1,037,981.00 |
| For Supreme Court Library Fund | | 90,000.00 |

III. EXECUTIVE:

A. DEPARTMENTS, AGENCIES, AND OTHER ESSENTIAL FUNCTIONS OF THE EXECUTIVE BRANCH:

(1) STATE BOARD OF ADJUSTMENT:

- (a) For expenditures by the Board payable from

| | |
|---|--------------|
| General Fund for the General Fund Contri- bution to the total ex- penditure of \$200,000 pursuant to Title 55, Section 343 | 15,000.00 |
| (b) For expenditures by the Board payable from General Fund the pro- visions of Act No. 208, 1966, Special Session and Act No. 436, 1967 Regular Session | 90,000.00 |
| (2) ADVERTISING LANDS FOR TAX SALE | 14,000.00 |
| (3) COMMISSION ON AGING — TRANSFER | 150,000.00 |
| (4) DEPARTMENT OF AGRI- CULTURE AND INDUS- TRIES: | |
| (a) For transfer to the Agricultural Fund for salaries, other expenses and equipment purcha- ses for the Department of Agriculture and In- dustries | 2,578,000.00 |
| (b) For transfer to the De- partment of Agricul- ture and Industries to be expended by the Meat and Poultry In- spection Division for salaries, other expenses, equipment purchases and automotive equip- ment purchases | 500,000.00 |
| (c) For the Egg Inspection Division for salaries, other expenses and equipment purchases ... | 50,350.00 |
| (d) For transfer to the De- partment of Agricul- ture and Industries to be expended for the Brucellosis program | 300,000.00 |

(5) AGRICULTURE CENTER BOARD:

- | | |
|---|-----------|
| (a) For transfer to the Agriculture Center Board for salaries and other expenses | 49,382.00 |
| (b) For expenses and awarding of prizes as provided by Act No. 1122, 1969 Regular Ses- sion | 90,000.00 |

**(6) DEPARTMENT OF AR-
CHIVES AND HISTORY:**

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| For salaries, other expenses, and equipment purchases | 298,970.00 |
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**(7) OFFICE OF THE ATTOR-
NEY GENERAL:**

| | |
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| For salaries, other expenses, equipment purchases, and for matching federal funds | 1,132,537.00 |
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**(8) OFFICE OF THE STATE
AUDITOR:**

- | | |
|--|------------|
| (a) For salaries, other ex- penses, property inven- tory, equipment pur- chases, and for match- ing federal funds | 250,000.00 |
| (b) Property Inventory: To be used solely by this division of the Au- ditor's Office for sala- ries, other expenses, equipment purchases and matching federal funds | 125,000.00 |

**(9) STATE BANKING
DEPARTMENT:****(a) STATE BANKING
DEPARTMENT:**

| | |
|--|------------|
| For transfer to the State Banking Depart- ment | 107,350.00 |
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(b) BANKING DEPARTMENT—BUREAU OF LOANS:

For transfer to the State Banking Department

133,000.00

(10) BUILDING COMMISSION:

For salaries, other expenses, equipment purchases and automotive equipment purchases

95,000.00

(11) DEPARTMENT OF CIVIL DEFENSE:

(a) For salaries, other expenses and equipment purchases

195,000.00

(b) For matching Federal Funds — Disaster Relief

153,000.00

(12) BOARD OF CORRECTIONS:

(a) For transfer to Board of Corrections

8,500,000.00

(b) For Board of Corrections conditional upon the condition of the general fund and upon the approval of the Governor:

(aa) For implementation of the inmate work force authorized by H.J.R. 20 — Regular Session 1976 "That it is the intent of the legislature that the Board of Corrections begin immediately to develop an inmate work force with proper supervision capable of constructing facilities projected to be needed by the Board of Corrections"

125,000.00

(bb) To defray the expenses incurred by the Board

of Corrections by Act
No. 524 of the 1975
Alabama Legislature
which mandated pro-
duction of a new auto-
mobile license plate re-
quiring the purchase of
additional equipment
and machinery during
the first year of pro-
duction 600,000.00

(cc) For Reclassification
Program of Inmates ... 350,000.00

(dd) For implementation of
the revolving fund authorized in Sec-
tion 12 of S. B. 440, Regular Session
1976, to operate through a purchas-
ing department to be set up by the
Board of Corrections to control all
aspects of purchase expenditures of
the Board and subject to all applica-
ble laws, "to erect buildings, to im-
prove existing facilities, to purchase
equipment, to procure tools, supplies
and materials, to purchase, install or
replace equipment, and otherwise to
defray the necessary expenses inci-
dental to the employment of pri-
soners", and further provided for in
Section 13 of Senate Bill 440, Regu-
lar Session 1976, that "all monies col-
lected by the Board of Corrections
from the sale or disposition of arti-
cles and products manufactured or
produced by prison labor . . . shall
be forthwith deposited with the State
Treasurer to be kept and maintained
in the industrial revolving fund . . .
for the purchase of raw materials,
manufacturing supplies, equipment,
machinery and buildings . . . If, at
the end of any fiscal year, the unen-
cumbered balance of the revolving
fund exceeds \$250,000.00, any fur-
ther unencumbered balance in excess
of \$250,000.00 may be transferred
to the Board of Corrections mainte-
nance fund. This revolving fund

herein provided for shall not involve industries currently operated by the Board of Corrections but shall apply only to those industries created as a result of S. B. 440 250,000.00

(ee) For creation of the Alabama Board of Corrections Agricultural Revolving Fund, to operate through a purchasing department to be set up by the Board of Corrections to control all aspects of purchase expenditures of the Board and subject to all applicable laws, to replace the barter system or any like system to dispose of or acquire any service, goods, commodities or property of any nature whatsoever. The Board of Corrections is authorized to expend such monies out of the appropriation for said revolving fund as may be necessary to purchase equipment, to procure tools, supplies and materials, to purchase, install or replace equipment, and otherwise to defray the necessary expenses incident to the agricultural operations of the Board of Corrections. All monies collected by the Board from the sale or disposition of agricultural products produced by prison labor or monies derived from federal allotments, agricultural tax rebates, contracts, insurance receipts, timber sales, rents, leases, sale of agricultural equipment or machinery, or any other agricultural receipt shall be forthwith deposited with the State Treasurer to be kept and maintained in the agricultural revolving fund created in this act for the purchase of raw materials, tools, equipment, machinery, or any other materials, or supplies necessary for the efficient operation of the Board of Corrections agricultural programs. If, at the end of any fiscal year, the unencumbered balance of the revolving fund exceeds \$250,000.00, any further unencumbered balance in excess

of \$250,000.00 may be transferred to
the Board of Corrections maintenance fund

250,000.00

Total Conditional Appropriations

1,575,000.00

(13) DEPARTMENTAL EMERGENCY FUND

427,500.00

(This is the appropriation contemplated in Section 105, Title 55 of the Code of Alabama 1940 and shall be the only amount appropriated and the total amount expended under the provisions of said section.)

(14) ALABAMA DEVELOPMENT OFFICE:

For transfer to Alabama Development Office for operations

2,000,000.00

(15) STATE EMPLOYEES INSURANCE

800,000.00

(To pay the State's share of the State Employees Insurance Program)

(16) STATE EMPLOYEES INSURANCE BOARD:

For salaries, other expenses, and equipment purchases

39,869.00

(17) EMPLOYEES' RETIREMENT FUND — STATE'S PART

3,500,000.00

(18) FARMERS' MARKET AUTHORITY:

For transfer to the Farmers' Market Authority for the operation of the Farmers' Market Authority

48,925.00

(19) DEPARTMENT OF FINANCE:

For operation of Department, to include salaries, other expenses, equipment purchases, automobile pur-

chases, and other legitimate functions including the director's office; the divisions of: Budget, Control and Accounts, Legal, Printing and Publications, Purchases and Stores, Service, (including operation of The White House of the Confederacy), Space Management Operations, Data System Management and Equipment Purchases for the State offices in the executive, administrative, and judicial departments

3,050,000.00

(Of the above appropriation there is hereby authorized to be created a revolving fund in an amount not to exceed \$250,000.00 to the Division of Printing and Publications to be used to create a centralized billing system and all revolving fund receipts of such division for furnishing printing and duplicating services to other State agencies and are automatically reappropriated in such revolving fund.)

(20) ALABAMA FORESTRY COMMISSION:

For transfer to the Alabama Forestry Commission:
For salaries, other expenses, equipment purchases and automotive equipment purchases

1,991,450.00

(21) GEOLOGICAL SURVEY:

For salaries, other expenses, equipment purchases, for federal matching funds and other lawful purposes ...

775,246.00

(22) THE GOVERNOR'S OFFICE:

(a) For operation of the of-

| | |
|---|---------------|
| fice, to include salaries, other expenses, equip- ment purchases, auto- mobile purchases, and other legitimate func- tions | 427,055.00 |
| (b) For Governor's Emer- gency Fund, to be ex- pended at the direction of the Governor | 100,000.00 |
| (c) For Governor's Con- trolled Contingency Fund | 60,000.00 |
| (d) For Governor's Office — Consumer Agency: For salaries, other ex- penses, and equipment purchases | 169,380.00 |
| (e) For Mansion Fund | 45,000.00 |
| (f) For Governor's Mansion at Gulf Shores | 10,000.00 |
| (23) GOVERNOR'S PROCLA- MATION EXPENSES | 100,000.00 |
| (24) DEPARTMENT OF HEALTH: | |
| (a) For Administration of all State Health Ser- vices and Programs (excluding Medicaid), including salaries, oth- er expenses and equip- ment purchases | 8,130,000.00 |
| (b) For transfer to the Medicaid Account | 47,700,000.00 |
| For transfer to the Medicaid Account to be conditional upon the condition of the Gen- eral Fund and with the approval of the Gov- ernor | 1,300,000.00 |
| (25) OFFICE OF HIGHWAY AND TRAFFIC SAFETY: For transfer to Office of | |

| | |
|---|------------|
| Highway and Traffic Safety | 71,250.00 |
| For transfer to Office of Highway and Traffic Safety for the auto check pilot program | 55,000.00 |
| Said amount to be conditional upon availability of funds and upon the approval of the Governor. | |
| (26) ALABAMA HISTORICAL COMMISSION: | |
| (a) For transfer to Alabama Historical Commission for operations of the Commission | 137,484.00 |
| (b) For transfer to Alabama Historical Commission for operation of the Cahaba Historical Site | 6,650.00 |
| (27) DEPARTMENT OF INDUSTRIAL RELATIONS: | |
| For salaries, other expenses and equipment purchases ... | 493,150.00 |
| (28) DEPARTMENT OF INSURANCE: | |
| For salaries, other expenses and equipment purchases ... | 615,000.00 |
| (29) STATE LABOR DEPARTMENT: | |
| For salaries, other expenses and equipment purchases ... | 155,500.00 |
| (30) ALABAMA LAW ENFORCEMENT PLANNING AGENCY: | |
| For matching Federal Funds and for the Alabama Diversion Investigation Unit to be used for salaries, other expenses and equipment purchases | 525,000.00 |
| (31) LIVESTOCK COLISEUM: | |
| For transfer to the Live- | |

| | |
|--|---------------|
| stock Coliseum Fund for the operation of the Livestock Coliseum | 138,047.00 |
| (32) MENTAL HEALTH: For transfer to Special Mental Health Fund | 29,000,000.00 |
| (33) MILITARY DEPARTMENT: | |
| (a) For operation of the Department: For salaries, other expenses and equipment purchases | 654,550.00 |
| (b) For Quarterly Allowances: For Headquarters | 4,500.00 |
| For Regular Allowance to Units to be used solely for operating expenses; provided, that no more than \$5,000 shall be allotted in any fiscal year for the Headquarters, Alabama National Guard | 375,000.00 |
| (c) For Active Military Service — Active National Guard: (To be approved by the Governor and Director of Finance and as authorized by the Legislature) | 95,000.00 |
| (d) For transfer to the Armory Commission: For care and maintenance of Armories | 1,000,000.00 |
| (e) For Capital Outlay Purposes: | |
| Troy | 125,000.00 |
| Albertville | 92,000.00 |
| Luverne | 75,000.00 |
| Total | 292,000.00 |
| (f) For Architect and Engineering Services and | |

Specifications for the
following Armories:

| | |
|-------------------|-----------|
| Troy | 7,800.00 |
| Albertville | 6,360.00 |
| Luverne | 4,800.00 |
| Florence | 11,220.00 |
| Tuscaloosa | 10,020.00 |
| Opelika | 9,120.00 |

| | |
|-------------|-----------|
| Total | 49,320.00 |
|-------------|-----------|

(34) OIL AND GAS BOARD:

| | |
|--|------------|
| For salaries, other expenses and equipment purchases | 677,350.00 |
|--|------------|

(35) BOARD OF PARDONS
AND PAROLES:

| | |
|---|--------------|
| For salaries, other expenses, equipment purchases, automotive equipment purchases, and matching Federal Funds | 1,856,800.00 |
|---|--------------|

(36) PERSONNEL
DEPARTMENT:

| | |
|--|------------|
| For transfer to the Personnel Department for the payment of the State's General Fund share of the cost of operating the Department ... | 107,251.00 |
|--|------------|

(37) BUREAU OF PUBLICITY
AND INFORMATION:

| | |
|--|-----------|
| For constructing and equipping Welcome Centers | 95,000.00 |
|--|-----------|

(38) PUBLIC DOCUMENTS
DISTRIBUTION

30,000.00

(39) DEPARTMENT OF
PUBLIC SAFETY:

| | |
|---|---------------|
| For salaries, other expenses, equipment purchases, automotive equipment purchases and matching Federal Funds and for other lawful purposes of the department in the operation and maintenance thereof | 18,000,000.00 |
|---|---------------|

| | |
|--|--------------|
| (40) REGISTRATION OF VOTERS | 300,000.00 |
| (41) DEPARTMENT OF REVENUE: | |
| (a) For transfer to the De- partment of Revenue for the General Fund's share in the cost of op- erating the Depart- ment | 1,432,948.00 |
| (b) For Auto Title and Auto Theft Fund | 850,000.00 |
| (c) Boards of Equalization: For salaries and other expenses of the mem- bers and employees of the county Boards of Equalization | 140,362.00 |
| Total | 2,423,310.00 |
| (42) OFFICE OF SECRETARY OF STATE: | |
| For salaries, other expenses and equipment purchases including law book inven- tory and uniform commer- cial code operations | 235,235.00 |
| (43) SECURITIES COMMISSION: | |
| For salaries, other expenses and equipment purchases ... | 165,000.00 |
| (44) STATE'S SHARE OF SOCIAL SECURITY | 1,500,000.00 |
| (45) SOCIAL SECURITY ADMINISTRATION: | |
| For salaries, other expenses and equipment purchases ... | 167,881.00 |
| (46) SOIL CONSERVATION COMMITTEE: | |
| For salaries, other expenses, equipment purchases, Soil and Water Conservation Districts and Watershed planning | 241,490.00 |

| | | |
|------|---|--------------|
| (47) | TELEPHONE REVOLV- ING FUND, STATE | 576,720.00 |
| (48) | STATE TOXICOLOGIST: For salaries, other expenses, automotive and other equip- ment purchases and match- ing Federal Funds | 620,000.00 |
| (49) | OFFICE OF THE STATE TREASURER: For salaries, other expenses and equipment purchases ... | 430,000.00 |
| (50) | DEPARTMENT OF VETERANS AFFAIRS: | |
| | (a) For salaries, other ex- penses and equipment purchases | 1,362,906.00 |
| | (b) For contract with Vet- erans of Foreign War Organization | 36,000.00 |
| | (c) For contract with Dis- abled American Veter- ans Organization | 9,000.00 |
| (51) | ETHICS COMMISSION, ALABAMA: For transfer to the Alabama Ethics Commission | 95,000.00 |
| (52) | TRANSFER TO STATE HIGHWAY DEPARTMENT: For operation and mainte- nance and construction | 6,100,000.00 |

IV. OTHER FUNCTIONS OF GOVERNMENT:

A. OTHER FUNCTIONS OF GOVERNMENT TO BE FUNDED FROM THE GENERAL FUND:

| | | |
|-----|--|----------|
| (1) | ALABAMA ACADEMY OF HONOR | 1,350.00 |
| | (Pursuant to provisions of Act No. 15, Third Special Session 1965) | |

| | |
|---|---|
| (2) ALABAMA AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION | 36,000.00 |
| (3) APPALACHIAN REGIONAL DEVELOPMENT PROGRAM | 135,000.00 |
| (4) ARREST OF ABSCONDING FELONS: For expenses incident to the arrest of absconding felons... | 8,000.00 |
| (5) PAYMENT OF ATTORNEYS FEES IN INDIGENT CAPITAL CASES ... (As provided in Act No. 176, 1947 Acts, page 61) | 25,000.00 |
| (6) AUTOMATIC APPEAL EXPENSE | 3,000.00 |
| (6) AUTOMATIC APPEAL EXPENSE | (Provided in 1943 Acts of Legislature, page 217) |
| (7) ALABAMA WING OF CIVIL AIR PATROL | 35,000.00 |
| (8) CIVIL COURT COST IN CONNECTION WITH AD VALOREM TAX ASSESSMENTS APPEALS ... | 200.00 |
| (9) COOSA-ALABAMA DEVELOPMENT AUTHORITY | 11,250.00 |
| (10) COUNCIL OF STATE GOVERNMENTS | 30,790.00 |
| (11) COURT COSTS | 240,000.00 |
| (11) COURT COSTS | (To be paid by the State of Alabama pursuant to Act No. 558, 1957 Acts, page 777) |
| (12) COURT COSTS | 250,000.00 |
| (12) COURT COSTS | (To be paid by the State of Alabama not otherwise provided for) |
| (13) ELECTION EXPENSES ... | 900,000.00 |
| (14) ELK RIVER DEVELOPMENT ASSOCIATION | 7,500.00 |

| | | |
|------|---|--------------|
| (15) | FAIR TRIAL TAX TRANSFER | 100,000.00 |
| | In addition to the above \$100,000.00, the additional sum of \$100,000.00 shall be transferred to the Fair Trial Tax Fund in the event that the General Fund has sufficient revenues to avoid proration, and on the further condition that the Governor gives his approval. | |
| (16) | FEEDING OF PRISONERS: For expenses of feeding prisoners in county jails | 1,400,000.00 |
| (17) | MATCHING FEDERAL FUNDS NOT OTHER- WISE PROVIDED FOR | 100,000.00 |
| (18) | FORT MORGAN HISTORI- CAL COMMISSION: For salaries, other expenses and equipment purchases | 65,000.00 |
| (19) | GORGAS MEMORIAL BOARD | 8,550.00 |
| | (To provide for the appropriation authorized by Act No. 417, 1943 Acts, page 383 and an additional amount) | |
| (20) | NATIONAL GOVER- NOR'S CONFERENCE | 20,580.00 |
| (21) | GOVERNOR'S RETIREMENT | 30,000.00 |
| (22) | GOVERNOR'S WIDOWS RETIREMENT | 14,400.00 |
| (23) | HELEN KELLER HOME: For operation and mainte- nance | 4,500.00 |
| (24) | RICHMOND PEARSON HOBSON MEMORIAL BOARD | 8,550.00 |
| | (To provide the appropriation authorized by Act No. | |

536, 1943 Acts, page 510,
and an additional amount)

| | | |
|------|---|-----------|
| (25) | INTERPRETER'S ACCOUNT | 100.00 |
| | (To carry out provisions of Act No. 799, 1965 Regular Session) | |
| (26) | LAGRANGE HISTORI- CAL COMMISSION | 2,250.00 |
| | (To provide the appropria- tion and for the expendi- tures authorized by Act No. 551, 1943 Acts, page 540) | |
| (27) | LAW ENFORCEMENT LEGAL DEFENSE | 2,000.00 |
| | (To carry out provisions of Act No. 259, 1957 Regular Session) | |
| (28) | MAILING TAX NOTICE ... | 7,500.00 |
| (29) | PREVAILING WAGE COMMISSION: | |
| | For operation | 18,000.00 |
| (30) | PRINTING OF STATE AND COUNTY PRIVI- LEGE LICENSES | 10,000.00 |
| (31) | FOR SPECIAL PROBATE JUDGES | 20,000.00 |
| (32) | REMOVAL OF PRISONERS: | |
| | For expenses incident to re- moval of prisoners | 75,000.00 |
| (33) | RIVERBOAT ASSOCIA- TION, MONTGOMERY | 22,500.00 |
| (34) | SOUTHERN GROWTH POLICY BOARD | 21,000.00 |
| (35) | SOUTHERN INTER- STATE NUCLEAR BOARD | 11,057.00 |
| (36) | SPORTS HALL OF FAME BOARD | 22,500.00 |
| (37) | ALABAMA STEER SHOW ASSOCIATION | 9,000.00 |

| | |
|---|------------|
| (38) TALLACOOSA HIGH- LAND LAKE ASSOCIATION | 9,000.00 |
| (39) TANNEHILL FURNACE AND FOUNDRY COMMISSION | 22,500.00 |
| (40) TENNESSEE RIVER VALLEY ASSOCIATION... | 9,000.00 |
| (41) TENNESSEE-TOMBIGBEE WATERWAY DEVELOP- MENT AUTHORITY | 108,000.00 |
| (To carry out the provi- sions of Act No. 355, 1957 Regular Session, approved August 23, 1957) | |
| (42) STATE TREASURER — PREVIOUS YEARS UNPAID WARRANTS | 50,000.00 |
| (43) TRI-RIVERS DEVELOP- MENT ASSOCIATION | 27,000.00 |
| (44) COMMISSION ON UNI- FORM STATE LAWS | 4,000.00 |
| (Total amount appropriated by Act No. 926, Acts 1951, page 1575, for expenses, op- eration and contributions of Commission) | |
| (45) NATIONAL VETERANS DAY COMMITTEE, BIRMINGHAM | 3,000.00 |
| (46) VETERANS DAY COM- MISSION, ALABAMA | 1,350.00 |
| (47) VETERANS DAY COM- MISSION, NATION- AL | 1,350.00 |
| (48) WATERSHED CONSER- VANCY DISTRICTS: | |
| Bear Creek Watershed As- sociation | 31,500.00 |
| Choccolocco Watershed | 3,600.00 |
| Choctawhatchee | 2,250.00 |
| Crooked Creek Watershed ... | 2,250.00 |
| Ketchepedrakee Watershed... | 2,250.00 |

| | |
|---|------------|
| Big Nance | 2,250.00 |
| Pea River | 2,250.00 |
| Tallassee hatchee | 2,250.00 |
| Terrapin Creek (Cherokee County) | 2,250.00 |
| (49) WOMEN'S COMMISSION, ALABAMA | 9,000.00 |
| (50) Y.M.C.A. YOUTH LEGISLATURE | 4,500.00 |
| (51) TO THE ALABAMA STATE FAIR AUTHOR- ITY, a State Agency located in Birmingham: For construction of a swine pavilion | 150,000.00 |
| (52) INTERSTATE MINING COMMISSION | 6,000.00 |
| (53) BIRMINGHAM FES- TIVAL OF ARTS | 22,500.00 |
| (54) TRANSFER TO HISTORI- CAL CHATTAHOOCHEE | 10,000.00 |
| (55) TRANSFER TO WOMEN'S HALL OF FAME, ALABAMA | 4,000.00 |

V. DEBT SERVICE:

| | |
|--|--------------|
| A. (1) For payment of principal and interest due on bonds issued by Alabama State Hospitals and Partlow State School Bond Commission pursuant to Constitutional Amendment No. CXVIII | 282,960.00 |
| (2) For interest on Spanish American War Veterans Fund | 294.86 |
| (3) For payment of princi- pal and interest due on bonds issued by State Docks — Inland Waterways | 2,142,156.10 |
| (4) For payment of principal and interest on bonds issued | |

by the State Parks Development Authority pursuant to Constitutional Amendment as provided in Act No. 272, 1967 Regular Session

500,000.00

- (5) For payment of principal and interest due on bonds issued for the Tennessee-Tombigbee Waterway pursuant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session

686,905.00

VI.

A. FROM FUNDS OTHER THAN STATE GENERAL FUND:

(1) ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY:

For salaries, other expenses and equipment purchases

116,000.00

In addition to the amount appropriated hereinabove to the Alabama State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any applications for license which may have been rejected by the Board or withdrawn by request of applicant. The above appropriation is payable from funds in the State Treasury to the credit of the Alabama State Board of Public Accountancy Fund.

(2) AERONAUTICS DEPARTMENT:

(a) For salary of the Director

23,769.00

For other salaries

78,020.00

For other expenses

43,100.00

For equipment purcha-

| | | |
|--|--------------|--------------|
| ses | 1,000.00 | |
| For automotive equip- ment purchases | 5,500.00 | |
| | | |
| Total | | 151,389.00 |
| (b) For State Aid to Air- ports — For Airports and Airmarkings | | 450,000.00 |
| The above appropria- tion to Aeronautics De- partment shall be pay- able from State Air- ports Development Fund as provided by Act No. 402, 1945 Acts, page 620, and the total expenditures shall in no manner exceed the amounts hereby appro- priated. | | |
| (3) COMMISSION ON AGING : For salaries, other expenses, equipment purchases, auto- motive equipment purchases and contracts | | 4,109,725.00 |
| The above appropriation is payable from the Commis- sion on Aging Fund and shall include the appropria- tion herein made to said fund as provided in Item III A (3) and any funds re- ceived for this work from the several counties, cities or Federal Government. | | |
| (4) AGRICULTURE AND INDUSTRIES: | | |
| (a) For salaries, other ex- penses, a u t o m o t i v e equipment purchases and other equipment purchases for the de- partment | 4,103,609.00 | |
| For transfer to State Personnel Department | 13,948.00 | |
| For transfer to Live- stock Coliseum | 53,100.00 | |

| | | |
|--|-----------|--------------|
| For transfer to Telephone Revolving Fund | 20,000.00 | |
| For awarding prizes and premiums | 20,000.00 | |
| | | |
| Total | | 4,210,657.00 |

The above appropriations are payable from funds in the Agricultural Fund and shall include the appropriation made to said fund in Item III A (4) (a). The above appropriations for other salaries, other expenses, equipment purchases and automotive equipment purchases shall be used for the operation and maintenance of the Department of Agriculture and Industries and for Bangs Disease Control, Disease of Swine, Swine Diagnostic Laboratory, Fire Ant Control, Pesticide Laboratory, Poultry Disease Control, White Fringed and Japanese Beetle Control, for inspection, grading and classification of fruits and vegetables and any other services connected with the operations of Agriculture and Industries in the State of Alabama. Any surplus remaining in the Agricultural Fund at the end of the fiscal year in excess of \$150,000.00 shall be transferred to the State General Fund.

- (b) Egg Inspection Division:
For salaries, other ex-

p e n s e s, automotive
equipment purchases
and other equipment
purchases for the divi-
sion

98,083.00

The above appropria-
tions are payable from
funds in the Egg In-
spection Fund and shall
include the appropria-
tion made to said fund
in Item III A (4) (c).

(c) Meat and Poultry In-
spection Division:

For salaries, other ex-
penses and equipment
purchases

1,262,430.00

The above appropria-
tion is payable from the
funds to the credit of
Meat and Poultry In-
spection Fund and shall
include the appropria-
tion made herein in
Item III A (4) (b).

(d) Agricultural Center
Board:

For salaries and other
expenses

49,382.00

The above appropria-
tion to the Agricultural
Center Board shall be
payable from the Agri-
cultural Center Board
Fund and include the
appropriation made to
said fund as provided
in Item III A (5) (a).

(e) Livestock Coliseum:

For salaries, other ex-
p e n s e s, automotive
equipment purchases
and other equipment
purchases for the divi-
sion

252,047.00

For rental (Livestock

| | | |
|--|-----------|------------|
| Coliseum, M o n t g o m- ery) | 53,100.00 | |
| Total | | 305,147.00 |

The funds hereinabove appropriated to the Agricultural Center Board for Livestock Coliseum shall be payable from the Livestock Coliseum Fund and the appropriation herein above includes the appropriation made to said fund as provided in Item III A (31) and Item VI A (4) (a).

(f) Shipping Point Inspection Fund:

There is hereby appropriated, from receipts to the Shipping Point Inspection Fund (Act No. 26, Legislature of 1956, approved March 23, 1956) for Shipping Point Inspection work performed by the Department of Agriculture and Industries for payment of salaries, other expenses, equipment purchases and automotive equipment purchases, all fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and clas-

sification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.

(g) Brucellosis Program :

For salaries, other expenses and equipment purchases

300,000.00

The above appropriation is payable from the funds to the credit of the Brucellosis Fund and shall include the appropriation made herein in Item III A (4) (d).

(5) ALCOHOLIC BEVERAGE CONTROL BOARD:

(a) Administrative and Stores Division:

| | |
|---|---------------|
| For salary of the Administrator | 23,769.00 |
| For other salaries | 10,247,772.33 |
| For other expenses (transportation cost for merchandise excluded) | 3,168,992.00 |
| For equipment purchases | 144,606.50 |
| For automotive equipment purchases | 5,000.00 |
| For awards for convictions | 1,000.00 |
| For transfer to State Personnel Department | 46,641.00 |
| For transfer to Mental Health Department | 375,000.00 |
| For transfer to Telephone Revolving Fund | 11,340.00 |
| For transportation cost on merchandise | 549,016.00 |

Total

14,573,136.83

In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation.

(b) Law Enforcement Division:

| | |
|--|--------------|
| For salaries | 1,808,883.00 |
| For other expenses | 650,268.00 |
| For equipment purchases | 13,000.00 |
| For automotive equipment purchases | 159,000.00 |

Total

2,631,151.00

The appropriations hereinabove made (a) and (b) to the Alcoholic Beverage Control Board are made from the gross proceeds derived from the sale of alcoholic beverages by the Alcoholic Beverage Control Board.

(c) Beer Tax and Licenses Division:

| | |
|-------------------------------|------------|
| For salaries | 786,922.00 |
| For other expenses | 388,740.00 |
| For equipment purchases | 19,525.00 |

Total

1,195,187.00

In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality, there is further appropriated, in addition to the amounts herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein

malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

(6) STATE BOARD OF
REGISTRATION FOR
ARCHITECTS:

| | | |
|----------------------------|-----------|-----------|
| For salaries | 15,000.00 | |
| For other expenses | 22,000.00 | |
| For equipment purchases .. | 1,000.00 | |
| | <hr/> | |
| Total | | 38,000.00 |

The above appropriation is payable from funds in the State Treasury to the credit of the State Board of Registration for Architects pursuant to Title 46, Chapter 2, Code of Alabama 1940, as amended.

(7) ARMORY COMMISSION:

(a) For salaries, other expenses and equipment purchases by the Commission

1,000,000.00

(b) For Capital Outlay
Purposes:

| | |
|-------------------|------------|
| Troy | 125,000.00 |
| Albertville | 92,000.00 |
| Luverne | 75,000.00 |

Total 292,000.00

(c) For Architect and Engineering Services and Specifications for the following Armories:

| | |
|-------------------|----------|
| Troy | 7,800.00 |
| Albertville | 6,360.00 |
| Luverne | 4,800.00 |

| | |
|------------------|-----------|
| Florence | 11,220.00 |
| Tuscaloosa | 10,020.00 |
| Opelika | 9,120.00 |

| | |
|-------------|-----------|
| Total | 49,320.00 |
|-------------|-----------|

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of armories as provided in Item III A (33) (d) in this Act. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000.00 shall be transferred to the State General Fund.

(8) DEPARTMENT OF
BANKING:

(a) Bureau of Banking:

For salaries, other expenses and equipment purchases

580,557.00

The above appropriation shall be payable from the Banking Assessment Fees as provided in Act No. 373, 1965 Regular Session and shall also include the appropriation made

in Item III A(9) (a) in
this Act.

(b) Bureau of Credit Un-
ions:

| | |
|------------------------------------|-----------|
| For salaries | 75,000.00 |
| For other expenses | 26,000.00 |
| For equipment pur- chases | 500.00 |

| | | |
|-------------|-------|------------|
| Total | <hr/> | 101,500.00 |
|-------------|-------|------------|

The above appropria-
tion shall be payable
from the Banking De-
partment - Bureau of
Credit Unions as pro-
vided in Act No. 2293,
1971 Regular Session.

(9) DEPARTMENT OF
BANKING — LOAN
EXAMINATION FUND:

| | |
|---|------------|
| For salaries, other expenses and equipment purchases | 242,173.00 |
|---|------------|

The above appropriation
shall be payable from the
Loan Examination Fund as
provided in Act No. 374,
1959 Regular Session, ap-
proved November 6, 1959
and shall also include the
appropriation in Section III
A (9) (b) in this Act.

(10) ALABAMA STATE
BAR ASSOCIATION:

| | |
|-----------------------------|------------|
| For salaries | 113,000.00 |
| For other expenses | 146,000.00 |
| For equipment purchases ... | 500.00 |

| | | |
|-------------|-------|------------|
| Total | <hr/> | 259,500.00 |
|-------------|-------|------------|

The above appropriation is
payable from the funds in
the State Treasury to the
credit of the Alabama State
Bar Association, pursuant
to Title 46, Chapter 3, Code
of Alabama 1940.

(11) STATE BOARD OF
CHIROPRACTIC
EXAMINERS:

| | |
|-------------------------------|----------|
| For salaries | 4,000.00 |
| For other expenses | 9,000.00 |
| For equipment purchases | 3,108.00 |

 Total

16,108.00

The above appropriation shall be payable from the State Board of Chiropractic Examiners Fund as provided in Act No. 108, 1959 Regular Session.

(12) DEPARTMENT OF
CONSERVATION:

(a) Administrative Division:

| | |
|--|------------|
| For salary of the Director | 23,768.94 |
| For other salaries | 545,945.00 |
| For other expenses | 316,500.00 |
| For equipment purchases | 5,421.00 |
| For automotive equipment purchases | 5,500.00 |
| For transfer to Personnel Department | 21,589.00 |
| For transfer to Telephone Revolving Fund | 7,560.00 |

 Total

926,283.94

The above appropriation shall be payable from the Department of Conservation — Administrative Fund and includes the appropriation made to this Division as provided in this Section.

(b) Game and Fish Division:

| | |
|-------------------------------|--------------|
| For salaries | 3,400,000.00 |
| For other expenses | 1,600,000.00 |
| For equipment purchases | 150,000.00 |

| | |
|---|------------|
| For automotive equipment purchases | 200,000.00 |
| For transfer to Department of Conservation-Administrative Account | 339,505.81 |
| For transfer to Telephone Revolving Fund... | 7,380.00 |
| For construction, prior to the end of the fiscal year 1976-77, of a boat ramp at Mt. Vernon, Alabama, according to the plans and specifications of the Department of Conservation and Natural Resources date October 1, 1973, entitled "BOAT RAMP AT MT. VERNON, Project No. 2-GF-92" ... | 40,000.00 |

In the event this project is completed before the end of the fiscal year 1976-77, then in that event, any unexpended funds dedicated to this project shall be credited to the line item "For other expenses".

Total

5,736,885.81

The funds hereinabove appropriated to the Game and Fish Division shall be payable from the Game and Fish Fund.

(c) State Lands Division :

| | |
|---|-----------|
| For salaries | 95,000.00 |
| For other expenses | 35,000.00 |
| For equipment purchases | 10,000.00 |
| For automotive equipment purchases | 5,500.00 |
| For transfer to Department of Conservation- | |

| | |
|------------------------------|-----------|
| Administrative Account | 14,000.00 |
|------------------------------|-----------|

| | | |
|-------------|------------------|------------|
| Total | <u>14,000.00</u> | 159,500.00 |
|-------------|------------------|------------|

The funds hereinabove appropriated to the State Lands Division shall be payable from the State Lands Division Fund. In addition to the above appropriation, there is also hereby appropriated from the State Lands Division Fund to the Lands Division for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas

125,000.00

(d) Marine Police Division :

| | |
|---|------------|
| For salaries | 715,936.00 |
| For other expenses | 280,000.00 |
| For equipment purchases | 50,540.00 |
| For automotive equipment purchases | 56,000.00 |
| For transfer to Department of Conservation-Administrative Account | 126,101.00 |

| | |
|-------------|---------------------|
| Total | <u>1,228,577.00</u> |
|-------------|---------------------|

1,228,577.00

The funds hereinabove appropriated to the Marine Police Division shall be payable from the Marine Police Fund.

(e) Marine Resources Division :

| | |
|--|------------|
| For salaries | 395,000.00 |
| For other expenses | 165,000.00 |
| For equipment purchases | 15,000.00 |
| For automotive equipment purchases | 11,000.00 |

| | | |
|---|-----------|------------|
| For transfer to Department of Conservation-Administrative Account | 55,000.00 | |
| For Gulf State Marine Fisheries Commission | 10,000.00 | |
| | | |
| Total | | 651,000.00 |

In addition to the monies hereinabove appropriated, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated to the Division of Marine Resources and may be expended by the Director of Conservation on such Marine Resources Division Programs or projects which he deems appropriate. The funds hereinabove appropriated to the Marine Resources Division shall be payable from the Marine Resources Fund.

(f) State Parks Division:

For salaries, other expenses, equipment purchases, automotive equipment purchases and for transfer to Department of Conservation - Administrative Account

3,593,993.00

(Provided, however, of the amount appropriated hereinabove no less than \$100,000.00 shall be expended for operation and maintenance

of Tannehill State Park). The funds hereinabove appropriated to the State Parks Division shall be payable from the State Parks Fund.

Also included and used in the above appropriation any remaining Capital Outlay funds appropriated in prior years which do not have committed contracts against said funds; there is hereby reappropriated from these Capital Outlay funds an amount not to exceed \$1,150,000.00 for the 1976-77 fiscal year for Park operations.

- (g) No funds hereinabove appropriated to the Department of Conservation and Natural Resources shall be used to pay law enforcement subsistence, longevity or overtime benefits except to the following job categories and classifications:

| | |
|--------------------------------------|------|
| Conservation Enforcement Officer I | 6301 |
| Conservation Enforcement Officer II | 6302 |
| Conservation Enforcement Officer III | 6303 |
| Conservation Enforcement Officer IV | 6304 |
| Conservation Enforcement Officer V | 6305 |
| Land Inspector | 6156 |
| Land Inspector Supervisor | 6159 |

(13) STATE LICENSING
BOARD FOR GENERAL
CONTRACTORS:

| | |
|------------------------------|-----------|
| For salaries | 90,000.00 |
| For other expenses | 55,000.00 |
| For equipment purchases..... | 10,000.00 |

| | |
|-------------|------------|
| Total | 155,000.00 |
|-------------|------------|

In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

The above appropriations are payable from funds in the State Treasury to the State Licensing Board for General Contractors pursuant to Title 46, Chapter 4, Code of Alabama 1940.

(14) BOARD OF
CORRECTIONS:

| | |
|--|---------------|
| For salaries, other expenses, equipment purchases, automotive equipment purchases and debt service | 20,305,137.00 |
|--|---------------|

| | |
|--|--------------|
| Conditional upon the condition of the General Fund and upon the approval of the Governor | 1,575,000.00 |
|--|--------------|

| | |
|--|-----------|
| For transfer to the State Personnel Department | 27,363.00 |
|--|-----------|

The funds hereinabove appropriated to the Board of Corrections shall be payable from the Board of Corrections Fund and the appropriation hereinabove made includes the appropriations made to the said

fund as provided in Item III A (12) and Section 7 of this Act. The funds hereinabove appropriated to the Board of Corrections shall be payable from the Board of Corrections Fund and the appropriation hereinabove made includes the appropriations made to the said fund as provided in Item IV A (11) in this Act. Provided, however, the Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections operations are also hereby appropriated.

(15) ALABAMA BOARD OF

COSMETOLOGY:

| | |
|-------------------------------|------------|
| For salaries | 111,057.00 |
| For other expenses | 90,000.00 |
| For equipment purchases | 3,750.00 |

TOTAL

204,807.00

The above appropriations shall be payable from the funds in the State Treasury to the credit of the Alabama Board of Cosmetology pursuant to provisions of Act No. 653, 1957 Regular Session.

(16) DAIRY COMMISSION:

| | |
|--------------------------------|------------|
| For salaries | 225,890.50 |
| For other expenses | 130,000.00 |
| For equipment purchases | 3,000.00 |
| For automotive equipment | |

| | | |
|---|------------|-------------------|
| purchases | 11,000.00 | |
| TOTAL | | 369,890.50 |
| The above appropriations shall be payable from the Dairy Commission Fund as is provided in Title 22, Chapter 7, Code of Alabama 1940 | | |
| (17) ALABAMA DEVELOPMENT OFFICE: | | |
| For salaries, other expenses, equipment purchases, automotive equipment purchases, national advertising and industrial promotion and contracts | | 4,548,828.00 |
| The above appropriations shall be payable from the Alabama Development Office Fund and shall include appropriations made in Item III A (14) in this Act and all gifts, grants, contributions or other appropriations received by the Alabama Development Office from whatever source. | | |
| (18) ALABAMA STATE DOCKS BOARD: | | |
| For transfer to the State Personnel Department | | 4,620.00 |
| The above appropriation shall be payable from income, receipts and revenues derived from the operations of the Alabama State Docks Board. | | |
| (19) STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS: | | |
| For salaries and other expenses | 155,000.00 | |
| For investigations and court costs | 40,000.00 | |

| | | |
|-------------------------------|----------|--|
| For equipment purchases | 5,000.00 | |
|-------------------------------|----------|--|

| | | |
|-------------|--|------------|
| TOTAL | | 200,000.00 |
|-------------|--|------------|

The above appropriations are payable from funds in the State Treasury to the credit of the Professional Engineers Fund as provided in Title 46, Chapter 7, Code of Alabama, as amended, and Act No. 1049, 1975 Regular Session.

(20) ALABAMA ETHICS COMMISSION:

| | |
|---|-----------|
| For operations of the Alabama Ethics Commission | 95,000.00 |
|---|-----------|

The above appropriation is payable from funds in the State Treasury to the credit of the Alabama Ethics Commission and shall include the appropriation herein made in Item III A (51) in this Act.

(21) FARMERS MARKET AUTHORITY:

| | |
|--|-----------|
| For salaries, other expenses and equipment purchases | 48,925.00 |
|--|-----------|

The above appropriation shall be payable from funds in the State Treasury to the credit of the Farmers Market Authority and shall include the appropriation herein made in Item III A (18) in this Act.

(22) DEPARTMENT OF FINANCE:

| | |
|---|------------|
| Data Systems Management: For operations of Data Systems Management | 292,413.00 |
|---|------------|

The above appropriation shall be payable from Data Systems Management Fund and shall include not more than \$142,500.00 of the ap-

propriation herein made in
Item III A (19) in this Act.

**(23) FIRE MARSHALS'
FUND:**

| | |
|-------------------------------|------------|
| For salaries | 135,000.00 |
| For other expenses | 85,000.00 |
| For equipment purchases | 1,500.00 |

| | |
|--------------------|-------------------|
| TOTAL | 221,500.00 |
|--------------------|-------------------|

The above appropriations shall be payable from the Fire Marshals' Fund as provided in Act 1938, 1971 Regular Session, as amended. Any balance in excess of \$50,000.00 at the end of the fiscal year shall be transferred to the State General Fund.

**(24) ALABAMA FORESTRY
COMMISSION:**

| | |
|--|--------------|
| For salaries, other expenses, equipment purchases and automotive equipment purchases | 5,035,450.00 |
| For transfer to State Personnel Department | 15,458.00 |
| For transfer to Telephone Revolving Fund | 19,440.00 |

| | |
|--------------------|---------------------|
| TOTAL | 5,070,348.00 |
|--------------------|---------------------|

The funds hereinabove appropriated to the Forestry Commission shall be payable from the Forestry Commission Fund and the appropriations made to the said fund as provided in Item III A (20) in this Act. It is provided that in the event receipts into the Forestry Commission Fund from County appropriations exceed the sum of \$500,000.00 then such excess is hereby appropriated. It is further provided that in the event

receipts into the Forestry Commission Fund from Federal Funds exceed the sum of \$1,552,000.00, then such excess is hereby appropriated. In the event of an emergency, so determined by the Director of the Forestry Commission and the Governor, the Director of the Forestry Commission with the approval of the Governor is hereby authorized to meet such emergency by transferring to and from any item of expenditure herein appropriated for use by the Forestry Commission.

(25) STATE BOARD OF
REGISTRATION FOR
FORESTERS:

| | |
|-------------------------------|-----------|
| For other expenses | 10,005.00 |
| For equipment purchases | 700.00 |

| | |
|-------------|-----------|
| TOTAL | 10,705.00 |
|-------------|-----------|

The above appropriations are payable from funds in the State Treasury to the credit of the Professional Foresters' Fund.

(26) LICENSING BOARD FOR
THE HEALING ARTS:

| | |
|--|-----------|
| For salaries | 49,829.00 |
| For other expenses | 16,850.00 |
| For equipment purchases | 200.00 |
| For automotive equipment purchases | 6,000.00 |

| | |
|-------------|-----------|
| TOTAL | 72,879.00 |
|-------------|-----------|

The above appropriations are payable from funds in the State Treasury to the credit of the Licensing Board for the Healing Arts.

(27) HEALTH DEPARTMENT:

(a) Health Department:
For salaries, other ex-

penses, equipment purchases and transfers for County Health Work

1,514,050.00

The above appropriation is payable from funds transferred to this account from the General and Mental Health Fund as provided in Act No. 654, 1965 Regular Session.

(b) Health Department:

For salaries, other expenses, equipment purchases and transfers for County Health Work

2,230,219.00

The above appropriation is payable from funds transferred to this account from the General and Mental Health Fund as provided in Act No. 275, 1967 Regular Session, as amended.

(c) County Health Work:

For salaries, other expenses and equipment purchases

2,572,104.00

The above appropriation is payable from any funds transferred to this account in Item III A (24) (a), Item VI A (27) (a), VI A (27) (b), and Section 7 in this Act.

In addition to the above appropriations, and funds received for this work from the several counties or the Federal Government are hereby appropriated.

(d) Ambulance Operators
(Emergency Medical

Services):

For salaries 12,766.00

The above appropriation is payable from the Emergency Medical Services Fund as provided in Act No. 1590, 1971 Regular Session and shall include any funds transferred to this account in Item III A 25 (a) in this Act.

(e) Hearing Aid:

For salaries 3,000.00

For other expenses 10,000.00

TOTAL

13,000.00

The above appropriations are payable from funds in the Hearing Aid Fund as provided in Act No. 2425, 1971 Regular Session.

(f) Hospital Licensing:

For salaries 51,000.00

For other expenses 8,000.00

TOTAL

59,000.00

The above appropriations are payable from funds in the Hospital Licensing Fund and the total expenditures shall in no manner exceed the amounts hereby appropriated and the appropriation hereinabove made shall include the appropriation made to the said fund as provided in Item III A 25 (a) in this Act.

(g) Medicaid:

For operation of the Medicaid Program

175,483,000.00

The above appropriation is payable from funds transferred to

this account in Item III A. 24 (b) in this Act, and any and all funds received to the credit of the Medicaid Program from whatever source including all funds received from the Federal Government.

(Provided no more than 10% override of $\frac{1}{4}$ of budget can be spent in the first quarter, 5% override in the second quarter. Budget must be balanced third and fourth quarters. Funds can be carried over from quarter to quarter and no funds will lapse if not spent in any quarter.)

(h) Bureau of Vital Statistics:

| | |
|--------------------------|------------|
| For salaries | 377,100.00 |
| For other expenses | 82,850.00 |

| | |
|-------------|-------------------|
| TOTAL | <u>459,950.00</u> |
|-------------|-------------------|

The above appropriations are payable from funds in the Vital Statistics Fund.

(i) Water Plant Operators Certifications:

| | |
|--------------------|----------|
| For expenses | 4,000.00 |
|--------------------|----------|

| | |
|-------------|-----------------|
| TOTAL | <u>4,000.00</u> |
|-------------|-----------------|

The above appropriation is payable from funds in the Water Plant Operators Certifications Fund as provided in Act No. 1594, 1971 Regular Session.

(j) Water Well Standards Board, Alabama:

| | |
|--------------------------|-----------|
| For salaries | 30,157.00 |
| For other expenses | 13,100.00 |

| | |
|-------------------------------|----------|
| For equipment purchases | 1,000.00 |
|-------------------------------|----------|

| | |
|-------------|-----------|
| TOTAL | 44,257.00 |
|-------------|-----------|

The above appropriations are payable from Water Well Standards Board Fund as provided in Act No. 1516, 1971 Regular Session.

(28) HIGHWAY
DEPARTMENT:

- (1) There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, or Alabama Highway Finance Corporation, so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

- (2) There are also appropriated, out of the revenues accruing to the State Highway Department, the following sums for the following purposes:

| | |
|--|------------|
| (a) For transfer to the State Personnel Department | 157,150.00 |
|--|------------|

- | | |
|---|--------------|
| (b) For administration of the State Highway Department for salaries, other expenses and equipment purchases | 5,880,000.00 |
|---|--------------|

| | |
|---|---------------|
| (c) For operation of the State Highway Department for salaries, other expenses and equipment purchases | 555,500.00 |
| (d) For supervision of the State Highway Department for salaries, other expenses and equipment purchases | 10,063,000.00 |
| (e) For equipment-purchases, road machinery and equipment, and other equipment ... | 7,750,000.00 |
| (f) For maintenance of roads and bridges in the State Highway System, for salaries, other expenses and equipment purchases | 34,342,062.00 |
| (g) For transfer to the Telephone Revolving Fund | 112,808.00 |
| (h) For Board of Adjustment | 175,000.00 |
| (i) For County Engineers' salaries ... | 499,678.00 |
| (3) There are also appropriated, out of the revenues accruing to the State Highway Department, the following sums for the following purposes: | |
| (a) For Matching Federal Funds | 28,095,000.00 |
| (b) For construction of feeder roads and other portions of, or work in respect to, Federal Aid Projects for | |

which portions or
work Federal Mat-
ching Funds are
not available

3,000,000.00

- (c) For construction of
roads and bridges
for which no mat-
ching Federal
Funds are avail-
able

14,466,630.00

The Highway Director with the consent of the Governor and the Budget Officer shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a) (b), (c) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available.

- (4) In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable:

- (a) In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

- (1) the appropriations made in Section 1 hereof shall be paid in full—
- (2) the appropriations made in Section 2

hereof shall be paid in full—

- (3) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Section 3 hereof shall be allocated among the purposes referred to in said Section 3 in such order and with such priorities as the State Highway Director shall from time to time direct.
- (5) The funds appropriated in Section 3 hereof, for the matching of Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purposes for which such appropriation was made.
- (6) In addition to the appropriations hereinabove made there is hereby appropriated to the State Highway Department the funds accruing thereto from the so - called "Captive Counties" for road and

bridge construction and maintenance, and for salaries, other expenses, equipment purchases and automotive equipment purchases related thereto to be expended only for the benefit of the particular county or counties from which such revenues are derived.

- (7) In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.
- (8) Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, the Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.
- (29) THE OFFICE OF HIGHWAY AND TRAFFIC SAFETY:
For salaries, other expenses, equipment purchases automotive equipment purchases and safety program projects

2,432,750.00

The above appropriation is payable from the funds transferred to this account in Item III A 25 in this Act, and any funds received for this work from the several counties, cities or the Federal Government.

(30) ALABAMA HISTORICAL COMMISSION:

For operation of the Alabama Historical Commission

339,484.00

For operation of the Cahaba Historical Site

6,650.00

The above appropriations shall be payable from the Alabama Historical Commission Fund transferred to this account in Item III A 26 (a) (b) in this Act and all gifts, grants, contributions or other appropriations received by the Alabama Historical Commission from whatever source.

(31) DEPARTMENT OF INDUSTRIAL RELATIONS:

For salary of the Director...

23,769.00

For transfer to the State Personnel Department

44,954.00

For transfer to Telephone Revolving Fund

159,536.00

For other salaries and expenses incident to the operation and management of the Department, for U. S. Employment Service, U. S. Unemployment Compensation, and for such other funds, services and operations for which the United States Government may provide monies,

there is hereby appropriated. In addition to the amounts appropriated herein in Item III A (27) all such sums as the United States Government may make available therefor.

(32) STATE INSURANCE
FUND:

| | |
|---|------------|
| For salaries | 225,289.00 |
| For other expenses | 70,000.00 |
| For equipment purchases ... | 3,000.00 |
| For automotive equipment purchases | 14,500.00 |

| | |
|-------------|------------|
| TOTAL | 312,789.00 |
|-------------|------------|

The above appropriations are payable from the funds in the State Treasury to the credit of the State Insurance Fund, pursuant to Title 28, Section 325, Code of Alabama 1940.

(33) LAW ENFORCEMENT
FUND:

10,000.00

The above appropriation shall be payable from the proceeds deposited to the credit of the Law Enforcement Fund pursuant to Title 29, Section 251, Code of Alabama 1940, as amended, and the expenditures authorized from such funds are limited to the amount appropriated herein.

(34) LIQUEFIED PETROL-
EUM GAS BOARD:

| | |
|------------------------------|-----------|
| For salary of Director | 18,920.00 |
| For other salaries | 39,960.00 |
| For other expenses | 21,896.00 |

| | |
|-------------|-----------|
| TOTAL | 80,776.00 |
|-------------|-----------|

The above appropriations shall be payable from re-

ceipts paid into the liquefied Petroleum Gas Fund.

**(35) ALABAMA SPECIAL
MENTAL HEALTH
FUND:**

(1) BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA:

(a) For the University of Alabama in Birmingham, for salaries, stipends and scholarships in Psychiatry; for the training of professional Mental Health personnel and psychiatric nurses, and state indigent mental patients

2,200,000.00

(b) Center for Learning Disorders for Mental Retardation

150,000.00

These appropriations under Section VI, (35) University of Alabama in Birmingham, are for the unrestricted support of these activities and therefore insurance companies, whether operated for profit or not for profit, licensed under the laws of the State of Alabama, whether acting on their behalf or for others, are hereby prohibited from applying or taking into account in any manner whatsoever, any portion of these appropriations in determining reimbursement for patient care activities.

**(2) TO STATE MENTAL
HEALTH DEPARTMENT:**

(a) For operation and maintenance of the State Mental Health Depart-

ment including
the purchase of
drugs to medically
indigent mental
patients not hos-
pitalized at time
of receiving drugs
at the Alabama
State Hospitals ...
Conditional upon
the condition of
the Alabama Spe-
cial Mental
Health Fund and
upon the appro-
val of the Gov-
ernor

54,487,938.10

3,000,000.00

- (b) For operation and
maintenance of
Community Men-
tal Health Pro-
grams. (The ap-
propriations here-
inabove made in
Items 1 and 2
shall be payable
from the funds de-
posited in the
State Treasury to
the credit of the
Special Mental
Health Fund.)

(36) DEPARTMENT OF MEN-
TAL HEALTH:

| | |
|---|---------------|
| For transfer to the State Personnel Department | 164,592.25 |
| For transfer to the Tele- phone Revolving Fund | 186,440.00 |
| For support, mainten- ance and capital expen- ditures of the Department of Mental Health | 85,663,428.85 |

Total
The above appropriations
shall be payable from the
Department of Mental
Health Fund and shall be

86,014,460.10

expended at the direction
of the Alabama Mental
Health Board.

**(37) BOARD OF NURSES'
EXAMINERS AND REG-
ISTRATION:**

| | |
|---|------------|
| For salaries | 134,706.00 |
| For other expenses | 169,000.00 |
| For equipment purchases ... | 12,000.00 |
| For automotive equipment purchases | 5,500.00 |

| | |
|-------------|------------|
| Total | 321,206.00 |
|-------------|------------|

The above appropriations
are payable from the funds
in the State Treasury to
the credit of the State
Board of Nurses' Ex-
aminers and Registra-
tion as provided in Title
46, Chapter 10, Code of
Alabama 1940, as amended.

**(38) BOARD OF NURSING
HOME ADMINISTRA-
TION:**

For expenses incident to
the operation and mainten-
ance of the Board of Nur-
sing Home Administration
The above appropriations
shall be payable from re-
ceipts paid into the Board
of Nursing Home Adminis-
tration Fund.

23,600.00

**(39) PEACE OFFICERS' AN-
NUITY AND BENEFIT
FUND, ALABAMA:**

| | |
|-----------------------------|-----------|
| For salaries | 90,421.00 |
| For other expenses | 42,500.00 |
| For equipment purchases ... | 5,000.00 |

| | |
|-------------|------------|
| Total | 137,921.00 |
|-------------|------------|

The above appropriations
shall be payable from the
Peace Officers' Annuity
and Benefit Fund as pro-

vided in Act No. 1210, 1971
Regular Session.

(40) PENSIONS:

(a) For Confederate Veterans and their widows:

Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows. The above appropriation shall be payable from the proceeds from the levy of the one mill tax as provided by Title 51, Section 19, Code of Alabama 1940.

(41) DEPARTMENT OF PENSIONS AND SECURITY:

| | |
|---|----------------|
| For salary of the Commissioner | 23,769.00 |
| For transfer to the State Personnel Department | 134,684.00 |
| For transfer to the Telephone Revolving Fund | 126,496.00 |
| For other salaries, expenses, equipment purchases and automotive equipment purchases incident to the operation and management of the Department for all welfare purposes as provided by law | 189,876,377.00 |

| | |
|-------------|----------------|
| Total | 190,161,326.00 |
|-------------|----------------|

The above appropriations shall be payable from funds transferred to, or received by the Department of Pensions and Security Fund as provided in this or any other Act.

It is provided that not more than four thousand

(4,000) employees shall be paid from the above appropriations.

It is further provided that in the event there shall not be sufficient funds available for payment of all appropriations made to the Department of Pensions and Security in this Act, the following provisions shall be applicable and binding on the Department:

- (1) The Department of Pensions and Security shall not during the fiscal year beginning October 1, 1976, reduce any payment or benefit to any Public Assistance Program in effect on October 1, 1976, including but not limited to old age pensions, aid to the blind, aid to dependent children and aid to permanent and totally disabled.

(42) PERSONNEL DEPARTMENT:

| | |
|--|------------|
| For salary of the Director... | 23,645.25 |
| For other salaries | 505,000.00 |
| For other expenses | 169,355.00 |
| For equipment purchases... | 10,000.00 |
| For automotive equipment purchases | 6,000.00 |

Total

714,000.25

The above appropriations shall be payable from funds transferred to, or received by, the State Personnel Department provided in this or any other Act.

(43) BOARD OF EXAMINERS
OF PSYCHOLOGY:For salaries, other ex-
penses, and equipment
purchases

2,640.00

The above appropriations
shall be payable from
the receipts paid into
the Board of Exam-
iners of Psychology Fund.(44) BUREAU OF PUBLIC-
ITY AND INFORMA-
TION:(a) For operation of the
Department:For salary of the Di-
rector

23,749.00

For salaries, other ex-
penses, and equipment
purchases

295,000.00

For advertising

700,000.00

Total

1,018,749.00

(b) For state travel adver-
tising and travel pro-
motion:For Alonzo Stagg
Bowl

4,500.00

For Ava Maria Grotto

2,250.00

For Blue and Gray

Football Game

9,000.00

For Gulf Shores Tour-
ist Assn.

13,500.00

For Guntersville Boat
Races

8,550.00

For Alabama Travel
Council

15,000.00

For Lake Eufaula
Festival

9,000.00

For Mobile Carnival
Assoc.

4,500.00

For Mobile Junior
Miss Pageant

22,500.00

For Mountain Lake
Association

18,000.00

For National Peanut
Festival Assoc.

9,000.00

| | |
|--|-----------|
| For Spirit of America Festival | 4,500.00 |
| For Anniston Shakespeare Festival | 7,500.00 |
| For Chilton County Peach Festival | 7,500.00 |
| For Alabama Film Commission | 20,000.00 |
| For Pea River Historical and Genealogy Society | 5,000.00 |

| | |
|-------------|------------|
| Total | 160,300.00 |
|-------------|------------|

- (c) Welcome Centers:
 For salaries, other expenses, and equipment purchases 252,900.00

- (d) The above appropriations in (a) (b) and (c) shall be payable from the receipts collected under the provisions of Act No. 269, 1963 Regular Session and from other funds accruing to the benefit of the Bureau of Publicity and Information.

(45) PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100.-00) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258 and 260 of the Constitution in 1901; and the amount appropriated from all other funds as is now provided by law, provided, however, not more

than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

(46) PUBLIC SERVICE COMMISSION:

| | |
|---|--------------|
| For salary of the President and Two Associate Commissioners | 62,085.00 |
| For other salaries | 1,250,000.00 |
| For other expenses | 400,000.00 |
| For equipment purchases ... | 20,000.00 |
| For automotive equipment purchases | 44,000.00 |
| For transfer to Telephone Revolving Fund | 16,740.00 |

| | |
|-------------|--------------|
| Total | 1,792,825.00 |
|-------------|--------------|

The above appropriations to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission at the end of the fiscal year in excess of \$300,000.00 shall be transferred to the State General Fund.

(47) ALABAMA REAL ESTATE COMMISSION:

| | |
|-----------------------------|------------|
| For salaries | 160,000.00 |
| For other expenses | 90,000.00 |
| For equipment purchases ... | 15,000.00 |

| | |
|-------------|------------|
| Total | 265,000.00 |
|-------------|------------|

The above appropriations shall be payable from the receipts to the Alabama Real Estate Fund as provided in Title 46, Chapter 14, Code of Alabama 1940, as amended, and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(48) DEPARTMENT OF REVENUE:

Auto Title and Auto Theft Fund:

For expenses incident to the operation of the Auto Title and Auto Theft Act ...

850,000.00

The above appropriation shall be payable from funds in the State Treasury to the credit of the Auto Title and Auto Theft Fund and shall include the appropriation made in Item III A (41) (b).

(49) DEPARTMENT OF REVENUE:

For the Administrative Account of the Department of Revenue there is hereby transferred from the General Fund and appropriated as provided in Item III A (41) of this Act

1,432,948.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Financial Institution Excise Tax Collections as part of the cost of operating said Department

147,543.00

There is hereby appropriated for transfer to Revenue Department, Ad-

| | |
|--|--------------|
| ministration Account from the gross proceeds of the Forest Severance Tax Col- lections as part of the cost of operating said Depart- ment | 150,380.00 |
| There is hereby appropri- ated for transfer to Revenue Department, Ad- ministrative Account from the gross proceeds of Gas- oline Tax Collections as part of the cost of oper- ating said Department | 987,400.00 |
| There is hereby appropri- ated for transfer to Revenue Department, Ad- ministrative Account from the Income Tax Collections for the cost of collecting said tax | 3,279,984.00 |
| There is hereby appropri- ated for transfer to Revenue Department, Ad- ministrative Account from the gross proceeds of Motor Fuel Tax Collections as part of the cost of op- erating said Department ... | 570,309.00 |
| There is hereby appropri- ated for transfer to Revenue Department, Ad- ministrative Account from the gross proceeds of Motor Vehicle License Collections as part of the cost of op- erating said Department ... | 577,402.00 |
| There is hereby appropri- ated for transfer to Revenue Department, Ad- ministrative Account from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax | 175,916.00 |
| There is hereby appropri- ated for transfer to Revenue Department, Ad- ministrative Account from | |

| | |
|---|--------------|
| the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax | 435,534.00 |
| There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Sales Tax Collections as part of of the cost of operating said Department | 4,563,888.00 |
| There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of the Tobacco Tax Collections as part of the cost of operating said Department ... | 940,584.00 |
| There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Use Tax Collections as part of the cost of operating said Department | 449,721.00 |
| There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Cigarette Tax Collections Act 275, 1967 Regular Session as part of the cost of operating said Department ... | 190,103.00 |
| There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of the Utility Tax Collections as provided in Act No. 37, 1969 Special Session | 293,666.00 |
| There is hereby appropriated for transfer to Revenue Department, Ad- | |

ministrative Account from
the gross proceeds of
Motor Vehicle License Col-
lections for the purchase
only of Motor Vehicle Li-
cense Tags

1,707,750.00

(50) DEPARTMENT OF
REVENUE — ADMINIS-
TRATIVE ACCOUNT:

For salary of the Commis-
sioner 23,758.94
For other salaries 9,453,929.00
For other expenses 3,491,466.80
For equipment purchases ... 30,000.00
For automotive equipment
purchases 22,000.00
For transfer to State per-
sonnel Department 31,450.00
For transfer to Telephone
Revolving Fund 29,160.00

Total

13,081,764.74

The amounts hereinabove
appropriated for the cost
of maintenance and opera-
tion of the Department of
Revenue are in lieu of any
other statutory provision
for the payment of the
cost of operating said De-
partment or collection of
the taxes as authorized by
law. Provided, however, in
addition to the amount,
hereinabove appropriated,
there is hereby appropri-
ated to the Department of
Revenue all sums allowed
the Department of Reve-
nue by local Acts of the
Legislature as a charge
for the collection of taxes
or licenses.

(51) STATE BOARD OF
REGISTRATION FOR
SANITARIANS:

For salaries

300.00

For other expenses 1,600.00

Total 1,900.00

The above appropriations shall be payable from the receipts collected under the provisions of Act No. 209, 1964 Second Special Session.

(52) ALABAMA THERAPIST BOARD:

For expenses and equipment purchases 9,200.00

The above appropriations shall be payable from receipts paid into the Alabama Therapist Board Fund.

(53) STATE BOARD OF VETERINARY MEDICAL EXAMINERS:

For salaries, other expenses, and equipment purchases 12,600.00

The above appropriations are payable from the funds in the State Treasury to the credit of the State Board of Veterinary Medical Examiners, pursuant to the provisions of Act No. 945, approved September 13, 1951.

(54) HISTORICAL CHATTAHOOCHEE COMMISSION:

For salaries, other expenses and equipment purchases for operation of the Historical Chattoohoochee Commission to be paid from that Commission's Fund 60,000.00

This appropriation is made from funds that have accrued to this fund from prior appropriations.

Section 3. That any surplus remaining in any appropriation herein made from the General Fund for the payment of salaries in any office, department, bureau, board, commission, or other agency after provision has been made for the payment of all salaries in that office, department, bureau, board, commission, or other agency for which the appropriation is made, may be transferred, on order of the Governor, to any other appropriation herein made from the General Fund for the payment of all salaries in any office, department, bureau, board, commission, or other agency when the appropriation herein made from the General Fund for the payment of salaries in that office, department, bureau, board, commission, or other agency is insufficient to pay all the salaries in that office, department, bureau, board, commission, or other agency according to the pay plan recommended by the Personnel Board, and approved by the Governor.

Section 4. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except those appropriations designated as "estimated" and all appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3, Code of Alabama 1940.

Section 5. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other educational or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which it now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall either maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provisions of this appropriation.

Section 6. In addition to appropriations herein made, all gifts, grants, or contributions, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the

purpose or purposes for which the grant or contribution was or shall be made.

Section 7. There is hereby appropriated the following amounts which are anticipated to be received by the State of Alabama during the period October 1, 1976 through September 30, 1977, as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, Public Law 92-512, 92nd Congress, 1972.

| | | |
|-------------|---|---------------|
| A. | To Highway Department for equipment purchases ... | 900,000.00 |
| B. | To Department of Mental Health to be used for op- eration and maintenance... | 8,000,000.00 |
| C. | To Highway Department for operations, mainten- ance and construction..... | 18,000,000.00 |
| D. | To Board of Corrections for operations, mainten- ance of the penal system ... | 5,000,000.00 |
| E. | For Economic and Com- munity Development | 1,000,000.00 |
| F. | For General Government ... | 100,000.00 |
| Total | | 33,000,000.00 |

In the event that the amount of funds actually received is more than the anticipated grants or entitlements, said funds together with any interest, accruals, or reversions accruing after the effective date of this Act are hereby appropriated for General Government. In the event that the amount of funds actually received is less than the anticipated grants or entitlement, then each appropriation contained in Section 7 shall be reduced on a pro rata basis.

Section 8. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipments or services or for rent for any office space on any contract, lease, purchase, or agreement made prior to September 30, 1976 for such items, unless approved or reapproved on or after October 1, 1976, by the Division of Data System Management and the Director of Finance.

Section 9. It is the intention of the Legislature that all departments and agencies refrain from renting, or leasing any additional space during the fiscal year beginning October 1, 1976, unless said additional space would serve an essential function. The Legislature has become concerned with the great

expansion of State Government in terms of number of employees and space required. The Legislature hereby requests that if any additional rental or lease space is acquired during said fiscal year that a written explanation of the need be filed with the Director of Finance and with the Chairman of Senate Committee on Finance and Taxation and the House Committee on Ways and Means at the time of entering into the rental or lease agreement.

Section 10. It is the intention of the Legislature that no new State employees which are paid out of the General Fund or any other fund enumerated in this Act be hired in any department, board, commission, or agency during the fiscal year commencing October 1, 1976, and each section, department, board, commission, or agency is urged to reduce the total number of employees by attrition in order to avoid the requirement of new taxes in the future. Therefore, each department, board, commission, or agency is hereby requested that as to each new employee hired in the fiscal year beginning October 1, 1976, a statement as to the reason and need for the hiring of said additional employee be filed with the Governor and the Chairmen of the Senate Committee on Finance and Taxation and the House Committee on Ways and Means, said statement reflecting the reason for the need to hire said employee.

Section 11. It is intended by the Legislature that the purchase of motor vehicles by any department, bureau, board, commission, or agency during the fiscal year beginning October 1, 1976, be restricted to essential functions and to vehicles used for law enforcement purposes only. The Legislature is concerned with the great expansion of State Government in the area of use of state vehicles and hereby requests each department and agency to comply with the spirit and intent of this section.

Section 12. No funds appropriated by this Act shall be used to employ attorneys by any department, board, bureau, commission, or agency of State Government who are not subject to the State Merit System Law unless such appointment shall be approved by the Governor.

Section 13. Funds appropriated and allocated under the provisions of this Act shall not be expended, used, or disbursed by departments, bureaus, boards, commissions, or any other agency of State Government until such departments, bureaus, commissions, or agencies of State Government shall have enacted an affirmative action plan that mandates equal employment opportunities.

Section 14. All State departments, commissions, bureaus and agency directors or chief administrative officers except the

Governor and the Director of Finance shall file with the Governor written quarterly reports which outline fund allocations and expenditures of their respective departments, commissions, bureaus, and agencies. These reports shall be made by the 15th day of the month following the completion of each quarter in the fiscal year. The governor shall then transmit copies of such reports to the Chairmen of the Finance and Taxation Committee and the Ways and Means Committee. Any other agency of government or other group of entity not a part of State Government that receives state appropriations under this section shall file the reports required of State agencies under this section. The reports required by this section shall be in addition to any reports, written or otherwise, now required of any department in State Government.

Section 15. No funds appropriated under this Act shall be used to pay the following law enforcement benefits heretofore established by Acts of the Legislature:

- (1) Subsistence payments (Acts No. 763, Regular Session, 1973),
- (2) Longevity pay (Act No. 206, Third Special Session, 1975),
- (3) Overtime pay (Act No. 127, Fourth Special Session, 1975),

to any state employees, other than to state employees regularly assigned to law enforcement duties. In no event, however, shall funds appropriated hereunder be used to pay any of the above mentioned benefits to Cabinet Members, Department or Agency heads, Assistant Department or Agency heads. Nothing contained in this Section shall prohibit the payment of subsistence, longevity, or overtime pay to state employees who are classified under the state merit system law as state law enforcement officers in any state department or agency.

Section 16. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 17. That all laws and parts of laws, general, special, private, or local, in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 18. That this Act shall become effective October 1, 1976.

1122

Approved August 26, 1976.

Time: 6:05 P.M.

REPORT OF STATE JUDICIAL COMPENSATION COMMISSION TO THE 1976 SESSION OF THE ALABAMA LEGISLATURE

The Judicial Compensation Commission created by Section 6.09 of Article VI of the Constitution of Alabama files its report with the Alabama Legislature within the first five calendar days of the 1976 session as is provided by said section of the Constitution.

The Commission has met and carefully considered what recommendations it should make to this Legislature relative to the salaries and expense allowances to be paid the Judges of this State from the State Treasury, except Probate Judges and Municipal Judges as it is charged with doing by the Judicial Article of the State Constitution recently adopted.

Its investigations have revealed that the Circuit Judges and Appellate Justices of this State received substantial increases in pay effective January 20, 1975. It has determined that the State Attorney General has ruled that the so-called "Boutwell Amendment" is no longer effective insofar as Judges salaries are concerned and Judges can now be given increases in pay and other compensation during the terms of office to which they are elected. Correct information with respect to County supplements paid to Circuit Judges was not available in compiled form and the Commission has requested the Office of Court Management to gather together this information so that the Commission can have all facts concerning the salaries of Circuit Judges at its disposal.

The Commission needs additional information with respect to necessary and reasonable expenses of travel reimbursement provided for Judges, and the sources of funds available therefor. The Office of Court Management has been requested to compile that information also.

The new District Courts have not, as yet, come into being, and so at this time it is unnecessary that anything be done with regard to the salaries now provided by law for those Judges.

In view of the foregoing, the Commission's recommendation to the Legislature is that the salaries and expense allowances of the members of the Supreme Court, the Court of Civil Appeals, the Court of Criminal Appeals, and the salaries and expense allowances of the Circuit Judges and of the District Judges remain the same as presently provided by law.

Respectfully submitted this the 3rd day of May, 1976.

**JUDICIAL COMPENSATION COMMISSION
STATE OF ALABAMA**

**CHARLES M. HOHENBERG, Chairman
BAILEY ANDERSON, Member
WILLIAM F. McDONNELL, Member
THOMAS A. JOHNSTON, III, Member**

**THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
SUPREME COURT OF ALABAMA
SPECIAL ORDER AND RULE**

WHEREAS, Section 7-109(a) of Act No. 1205, approved October 10, 1975, provides, in part, that upon the death of an incumbent Register the vacancy shall not be filled and the responsibilities and authority of the Register shall become the responsibilities and authority of the Clerk of the Circuit Court; and

WHEREAS, said Act No. 1205 is silent as to transitional procedures; and

WHEREAS, numerous transitional problems will arise in the assumption by the Clerk of the Circuit Court of the responsibilities and authority of the Office of Register; and

WHEREAS, the Honorable David M. Cochrane, Register of the Circuit Court of Tuscaloosa County, Alabama, in Equity, died on the 21st day of November, 1975, his office being operated on a fee system where he collected all the costs and fees, but employed and paid his own assistants, who were not under civil service; and

WHEREAS, the Honorable Fred W. Nicol, Presiding Judge of the Sixth Judicial Circuit of Alabama, on behalf of the Circuit Judges of the Sixth Judicial Circuit of Alabama, by request dated December 8, 1975, solicits the direction of the Supreme Court of Alabama in resolving these transitional problems; and

WHEREAS, the Supreme Court, recognizing the necessity for the uninterrupted performance of those functions performed by the Office of the Register immediately prior to the vacancy, concludes that transitional procedures should be studied by the Advisory Committee on Rules of Administration prior to the adoption of permanent rules of administration outlining the transitional procedures so that the Supreme Court will have

recommendations from such advisory committee before the adoption of permanent rules of administration outlining the transitional procedures; and

WHEREAS, the Supreme Court recognizes the need for a temporary rule of administration to govern any circuit court in which a vacancy in the position of Register has occurred or may occur during the interim period before permanent rules of administration on transitional procedures are adopted;

NOW, THEREFORE, IT IS ORDERED BY THE SUPREME COURT OF ALABAMA on the 2nd day of March, 1976, as follows:

1. That the Advisory Committee on Rules of Administration is requested to forthwith study transitional problems and report to this Court as soon as is reasonably possible with recommendations concerning transitional procedures to be followed in connection with the assumption of the responsibilities and authority of the Register by the Clerk of the Circuit Court and other related administrative matters arising out of the abolition of the position and office of Register.

2. Pending the report of the Advisory Committee on Rules of Administration and the adoption of permanent rules of administration providing for such transitional procedures, this Court establishes the following temporary rule of administration:

The Clerk of the Circuit Court of Tuscaloosa County, or the Clerk of any circuit court, where the position of Register becomes vacant, is authorized, in his or her discretion, to establish a section in that office to be designated the Registry Division and to appoint a Director thereof. The approval of the appointment and the fixing and payment of the salary of the Director shall be in accordance with existing statutes or established procedures, in the event there are no conflicting statutes, pertaining to the same for officials in the Circuit Clerk's office.

The Circuit Clerk is further authorized to transfer the former employees of the Register and to continue such employment on a temporary basis without regard to the requirement of any civil service system with the salaries of such employees being set in conformity with existing statutes or established procedures, in the event there are no conflicting statutes, applicable to other employees in the Circuit Clerk's office and to be payable in installments as the salaries of other employees in the Circuit Clerk's office are paid.

The Director of the Registry Division, under the supervision of the Circuit Clerk, shall be fully vested with all powers and

prerogatives and shall perform and discharge all of the duties which have heretofore been vested in and performed and discharged by the Register of the Circuit Court prior to the date the vacancy occurred: and the said director shall also collect all fees heretofore payable personally to the Register and all such fees shall be paid by the Circuit Clerk in such manner and at such times as other fees and costs collected by the Circuit Clerk are paid.

In the event the Register who occupied the office before the vacancy occurred was on a fee system, then such fees to which the Register or his or her estate may be entitled to receive after the date of the vacancy shall be paid to the former Register of his or her estate.

3. The said Director of the Registry Division shall be required to post a bond for the faithful performance of the duties of the office in such amount as required by law of the Register prior to the vacancy.

All Justices concur, except Maddox, J., who dissents to the extent that he would omit the words, "without regard to the requirement of any civil service system," in the second paragraph of section 2 of the order.

I, J. O. Sentell, Clerk of the Supreme court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 2nd day of March, 1976.

J. O. SENTELL

Clerk, Supreme Court of Alabama

STATE OF ALABAMA)

MONTGOMERY COUNTY)

I, J. O. Sentell, Clerk of the Supreme Court of Alabama, hereby certify that the foregoing is a true and correct copy of the Special Order and Rule of the Supreme Court of Alabama, dated March 2, 1976, regarding a temporary rule of administration to govern any circuit court in which a vacancy in the position of Register has occurred, or may occur, during the interim period before permanent rules of administration on transitional procedures are adopted.

Witness my hand this the 9th day of March, 1976.

J. O. SENTELL

Clerk of Supreme Court

August 17, 1976

THE STATE OF ALABAMA — — JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

SPECIAL TERM 1976

ORDER

WHEREAS, this Court on April 9, 1974, established an Advisory Committee to study the procedure of the Judicial Inquiry Commission and to make recommendations to the Court on rules of procedure to govern the Judicial Inquiry Commission, and

WHEREAS, on April 9, 1974, this Court adopted rules of procedure of the Judicial Inquiry Commission pending the report of the Advisory Committee on permanent rules of procedure, and

WHEREAS, the Advisory Committee on the Judicial Inquiry Commission has, by resolution, recommended to this Court that the interim rules of procedure of the Judicial Inquiry Commission prescribed by the Court in its order of April 9, 1974, be adopted as the Rules of Procedure of the Judicial Inquiry Commission, and

WHEREAS, a Special Session of Court was convened on July 27, 1976, to hear oral presentations by all interester parties.

IT IS, THEREFORE, CONSIDERED AND ORDERED by the Supreme Court that the Rules of Procedure of the Judicial Inquiry Commission, adopted by this Court as interim rules on April 9, 1974, and attached hereto, be, and the same are hereby, adopted as the permanent Rules of Procedure of the Judicial Inquiry Commission.

I, J. O. Sentell, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 27th day of August, 1976.

J. O. SENTELL
Clerk, Supreme Court of Alabama

**RULES OF PROCEDURE OF JUDICIAL INQUIRY
COMMISSION**

Rule 1. Deficiencies

In these rules, unless the context or subject matter otherwise requires:

- (a) "Commission" means Judicial Inquiry Commission.
- (b) "Judge" means any judge or justice of the judicial system of this state.
- (c) "Chairman" means the chairman of the Judicial Inquiry Commission and includes the acting chairman.
- (d) "Secretary" means such person as may be designated by the Commission to act as secretary and includes the acting secretary. The secretary shall be ex-officio Clerk of the Commission.
- (e) "Examiner" means any person designated by the Commission to gather information, conduct field investigations, take depositions or prosecute charges preferred by the Commission with the Court of the Judiciary.
- (f) "Subpoena" means any type subpoena which may be issued by any court of this state.
- (g) "Shall" is mandatory and "may" is permissive.
- (h) "Mail" includes ordinary mail and personal delivery.
- (i) The masculine gender includes the feminine gender.

Rule 2. Disqualification

A member of the Commission may not participate as such in any proceeding involving a charge against himself, or in which he is involved, or involving a charge against a person who is related to him within the ninth degree by consanguinity or within the fifth degree (computed according to the rules of the civil law) by affinity.

Rule 3. Style of Proceeding and Process

Proceedings and process issued by the Commission shall be styled:

"BEFORE THE JUDICIAL INQUIRY COMMISSION OF
ALABAMA Inquiry Concerning a Judge, No. _____"

Rule 4. Privilege

All papers filed with and proceedings before the Judicial Inquiry Commission shall be privileged in any action for defamation.

Rule 5. Confidentiality of Proceedings

(1) All proceedings of the Commission shall be confidential, except the filing of a complaint with the Court of the Judi-

ciary; provided, however, that none of the following actions permitted to be taken by the Commission shall be deemed a violation of this rule:

(a) When a judge has been publicly charged or is the subject of an investigation by the Commission, or in any proceeding in which the subject matter is generally known to the public and in which there is a broad public interest, the Commission may, at the request of the judge involved, issue one or more short announcement confirming or denying the existence of charges before it, clarifying the procedural aspects, or defending the right of a judge to a fair hearing, or in order to preserve public confidence in the administration of justice.

(b) In any instance where accusations against a judge have been considered by the Commission and it has been determined that there is no basis for the filing of charges against him or for further proceedings before the Commission, the Commission may, at the request of the judge, issue an explanatory statement.

(c) The Commission may, from time to time, issue press releases and other public statements explaining the nature of its jurisdiction, procedure for institution of complaints, limitations upon its powers and authority, and reports on the conduct of the affairs of the Commission, provided that such releases and reports shall not identify by name, position, address or otherwise the identity of any judge or other person involved in any inquiry before the Commission.

Rule 6. Investigations

Investigations may be instituted by the Commission on its own motion or upon complaint filed with it by any person; but the Commission may require, as a condition to investigation of any complaint made to it, that the complaint be verified.

Rule 7. Subpoenas and other Process

Subpoenas for attendance of witnesses or for the production of documentary evidence (including the production of documentary evidence for copying) before the Commission or its examiner, and other process of the Commission, may be served in the same manner provided for service of subpoenas and other process under the Rules of Civil Procedure applicable to the circuit courts of this state and may be served by mail or by any person designated by the Commission, its clerk or chairman. The Commission shall have jurisdiction coextensive with the circuit courts of this state to compel the attendance of witnesses and the production of documents; and the failure of any

person without adequate excuse to obey a subpoena or other process of the Commission shall constitute contempt of the Commission. All witnesses shall be entitled to such witness fees and expenses as in any civil proceeding in this state.

Rule 8. Contempt

The Commission shall have power coextensive with that of the circuit courts of this state to punish for contempt of the Commission.

Rule 9. Meetings

(a) Meetings of the Commission may be held at such time and places as the Commission may, from time to time, determine. Meetings may be called by the chairman, acting chairman, or by any two members of the Commission on three days notice, which notice may be given by telephone message left during normal business hours at the business or residence of the members.

(b) Meetings may be held at any time and place by unanimous consent of the members.

(c) A majority of the Commission shall constitute a quorum for the transaction of business, and the action of a majority of the members at a meeting at which a quorum is present shall constitute the action of the Commission, except that no charges against any judge may be filed with the Court of the Judiciary except upon affirmative vote of a majority of all the members of the Commission taken at a meeting of the Commission.

Rule 10. Institution of Investigations Between Meetings

The chairman, or acting chairman with the concurrence of the executive committee, may authorize the institution of investigations and the issuance of subpoenas incident thereto deemed by him to be necessary or desirable to be instituted between meetings of the Commission.

Rule 11. Officers of the Commission

In addition to its chairman, the Commission may elect one or more vice-chairmen, an executive secretary who shall be ex-officio clerk of the Commission, and such other officers and agents, including examiners, as the Commission may, from time to time, determine. In the absence of the chairman or in any instance in which he may not be readily available, either of the vice-chairmen, or any member of the Commission designated by the executive committee, may act as chairman.

Rule 12. Executive Committee

The Commission may appoint an executive committee consisting of the chairman and two other members of the Commission to advise with him on matters arising between meetings of the Commission in which action is deemed desirable. If any member or members of the executive committee so appointed are not readily available to act when action by the remaining member or members is deemed desirable, the remaining member or members may select other members of the Commission to serve in his or their stead.

Rule 13. Seal

The Commission may adopt a seal.

Rule 14. Judge Acting as Such While Disqualified

If any judge shall continue to act as such while there is pending (1) an indictment or an information charging him in the United States with a crime punishable as a felony under a state or federal law, or (2) a complaint against him filed by the Judicial Inquiry Commission with the Court of the Judiciary, such conduct shall constitute misconduct in office and the Commission may apply to the Supreme Court of Alabama for such writ or writs as may be appropriate to enforce Section 6.17, Amendment 328, Constitution of Alabama, 1901.

Rule 15. Prosecution of Charges Before Court of the Judiciary

It shall be the duty of the Attorney General of Alabama to prosecute charges filed by the Commission with the Court of the Judiciary except in instances where, in the opinion of the Commission, there exists or many arise a conflict of interest or the interests of justice would not thereby be served, in which instances the Commission may employ counsel to prosecute such charges.

Rule 16. Matters Heretofore Pending Before Judicial Commission

All equipment, records, documents and supplies belonging to, and all funds granted to or appropriated for the former Judicial Commission of Alabama are, effective December 27, 1973, transferred to the Judicial Inquiry Commission. All pending proceedings before the Judicial Commission of Alabama are hereby transferred to the Judicial Inquiry Commission, effective December 27, 1973.

Rule 17. Advisory Opinions

A judge may direct to the Commission in writing a request for an opinion as to whether certain specified action contemplated or proposed to be taken by him may constitute a violation of the Canons of Judicial Ethics, and the Commission may, in its discretion, render to the judge in writing such opinion as it may deem appropriate in the premises. Any such opinion rendered by the Commission that certain specified conduct by the judge would not constitute a violation of the Canons of Judicial Ethics shall be admissible on behalf of the judge to who it is directed in any disciplinary proceeding involving the propriety of such conduct by the judge to whom the opinion is directed.

Rule 18. Publication

These rules shall be deposited with the Clerk of the Supreme Court of Alabama and shall be published in all publications wherein the rules of the Supreme Court of Alabama are published.

THE STATE OF ALABAMA JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

OCTOBER TERM 1976-77

ORDER

WHEREAS, this court appointed an Advisory Committee on Juvenile Practice and Procedure; and,

WHEREAS, the Advisory Committee made proposals for the rules of practice and procedure for the Juvenile Court; and

WHEREAS, copies of the proposals made by the Advisory Committee were disseminated to the bar and bench of this state; and,

WHEREAS, written and oral comments, criticisms and suggestions were received by this court; and,

WHEREAS, this court has considered the proposals of the Advisory Committee along with written and oral presentation of comments, criticisms, objections and recommendations received from the bench and the bar;

NOW, THEREFORE, IT IS CONSIDERED AND ORDERED by the Supreme Court of Alabama on this the 14th day of October, 1976, as follows:

1. That the Alabama Rules of Juvenile Procedure contained in Exhibit "A" to this order, which is attached and made a part of this order, be and hereby are adopted as the Alabama Rules of Juvenile Procedure.

2. That the following Standing Committee on Juvenile Procedure is appointed to serve for a period of three years from this date or until their successors are chosen:

Dr. Annette Dodd, Cumberland School of Law
Birmingham—CHAIRPERSON

Judge James Strickland, Mobile

Judge G. Ross Bell, Birmingham

Judge James Buck, Tuscaloosa

Judge James Brotherton, Jasper

Judge William Samford, Opelika

Judge Jerry Vanderhoef, Tuscumbia

Honorable Robert M. Hill, Jr., Florence

Honorable Fred D. Gray, Montgomery

James Lavender, Dept. of Youth Services,
Montgomery

Dr. Wayne Teague, State Superintendent of Education,
Auburn

Dr. Thomas F. Staton, Chairman,
Board of Corrections, Montgomery

The Standing Committee is requested to continue to study the rules of practice, procedure and administration in the Juvenile Courts of the state and make such recommendations as they deem advisable in the future.

All the Justices concur.

I, J. O. Sentell, Clerk of the Supreme Court of Alabama do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 14th day of October, 1976.

J. D. SENTELL
Clerk, Supreme Court of Alabama

EXHIBIT A

ALABAMA RULES OF JUVENILE PROCEDURE

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| Rule 1: | PROCEDURE WHEN RULES NOT APPLICABLE. | |

These rules govern the procedure for all matters in the juvenile court. If no procedure is specifically provided in these rules or by statute, the Alabama Rules of Civil Procedure shall be applicable to the extent not inconsistent herewith.

COMMENT: Because juvenile jurisdiction may be exercised by district courts as well as circuit courts, the Alabama Rules of Civil Procedure referred to in Rule 1 contemplates said rules as modified for applicability in the district courts where juvenile jurisdiction is exercised at the district court level.

See Section 5-151, Act No. 1205, Acts of Alabama, 1975 Regular Session. In exercising jurisdiction in minor or adult cases of a criminal nature involving either a minor or an adult, procedure and disposition applicable in criminal courts are applicable to trial in the juvenile court.

When used herein, court refers to juvenile court.

Rules 2: JUVENILE JUDGE—ASSIGNMENT.

(A) The judge of the district court shall serve as the juvenile court judge unless otherwise ordered by the presiding circuit judge.

(B) The presiding circuit judge shall designate from time to time a circuit judge or a district judge to serve as the juvenile judge.

(C) The presiding circuit judge may designate two or more circuit judges or district judges or a combination of circuit and district judges, one of whom shall be designated as presiding juvenile judge, to hear juvenile cases in situations in which:

(1) the caseload in any district requires more than one juvenile judge;

(2) the district encompasses more than one county; or

(3) the district encompasses a county wherein venue lies within an area of lesser geographic extent than the county pursuant to Section 4-107 of Act No. 1205, Acts of Alabama, 1975 Regular Session.

(D) The presiding circuit judge shall designate a circuit judge or a district judge within the circuit to sit in juvenile cases in the absence or recusal of the juvenile judge.

(E) All designations of juvenile judges must be approved by the supreme court. The presiding circuit judge shall report designations of juvenile judges to the administrative director of courts (ADC), who shall forward these designations to the supreme court for approval.

(F) When the juvenile judge is a circuit judge, the juvenile court shall have and exercise full jurisdiction and power of the juvenile court and of the circuit court of the state.

(G) When the juvenile judge is a district judge, the juvenile court shall have and exercise full jurisdiction and power of the juvenile court and of the district court of the state.

COMMENT: See Section 5-103(a), Act No. 1205, Acts of Alabama, 1975 Regular Session. This rule clarifies the administrative duties of the presiding circuit judge in each circuit in designating a judge or judges to exercise juvenile jurisdiction within the circuit. Section (A) of this rule clarifies the power of the presiding circuit judge to designate a circuit or district judge as the juvenile judge in any circuit or district. This procedural flexibility is necessary due to inability to predict caseloads of district courts, especially in respect to possible municipal jurisdiction. See also Act No. 388, Acts of Alabama, 1976 Regular Session, empowering the presiding circuit judge to establish family court divisions.

Rule 3: JUVENILE JUDGE—ADMINISTRATIVE AUTHORITY.

The juvenile judge, or where there is more than one, the presiding juvenile judge shall exercise executive and administrative authority of the juvenile court. This authority shall

include power to employ and supervise the personnel, to initiate and carry on the programs, to assign and distribute the work of the court, to establish and implement policies, and to assign such duties as may be legally delegated. The administrative director of courts (ADC) shall have the authority to fix the character and the form of the records.

COMMENT: Administrative authority in a juvenile judge is necessary for efficient and uniform procedure within the circuit. Uniformity in records throughout the state may be maintained by the ADC.

Rule 4: PROBATION OFFICERS.

(A) There shall be such number of probation officers and other non-judicial employees of the juvenile court as, in the judgment of the judge, the administrative director of courts (ADC), the department of youth services and the governing body of the county, may be necessary for the proper functioning of the court.

(B) The compensation and benefits of the non-judicial employees of the court shall be fixed by the local civil service authority if one is available. If no local civil service authority is available, then the compensation and benefits shall be fixed by the judge, ADC, and the governing body of the county. Such employees may be eligible for all benefits of the appropriate civil service authority.

(C) Compensation and benefits of non-judicial employees shall be payable out of the general funds of the county and any other funds authorized by law.

COMMENT: "Available" as used in this rule contemplates a local decision. This is to clarify the authority of civil service authorities to extend civil service benefits to such employees even though they serve at the pleasure of the judge.

Rule 5: CHIEF PROBATION OFFICER.

The juvenile judge, or where there is more than one, the presiding juvenile judge shall appoint a chief probation officer or director of probation services who shall serve at the pleasure of the judge. The chief probation officer shall be responsible directly to the judge for coordinating the probation services of the court, their internal procedures, budgeting, office management, allocation of space, and personnel transactions.

Rule 6: VOLUNTEERS IN PROBATION.

The judge may appoint one or more volunteer probation officers who shall serve without compensation upon conditions

and for such purposes as the judge may prescribe in the order of appointment. The county governing body may reimburse these volunteer probation officers for reasonable and necessary expenses incurred in connection with their appointment.

Rule 7: ADMINISTRATIVE REPORTS.

The juvenile judge shall submit reports on matters before the juvenile court and any additional reports which shall be required by the administrative director of courts (ADC). The ADC shall prescribe the form for any required reports.

COMMENT: While there may be many agencies, departments, etc., such as the department of pensions and security and the department of youth services, interested in information concerning the operations of juvenile courts, this rule should prevent duplication of requested information. Agencies may aid the ADC in formulating information requirements; however, the judge may file centrally with the department of court management from which information may be disseminated to interested agencies or departments.

Rule 8: INTAKE OFFICE.

(A) The juvenile court judge shall designate one or more probation officers or magistrates in the district to serve as the intake office for the juvenile court.

(B) The intake office shall have the power to administer oaths for the purpose of verifying complaints.

COMMENTS: See Section 4-106 (g) and Section 5-101 (m), Act No. 1205, Acts of Alabama, 1975 Regular Session.

Rule 9. DESIGNATION OF DETENTION OR SHELTER CARE FACILITY.

Each juvenile court shall by order designate the detention or shelter care facility or facilities to which children shall be delivered when taken into custody. In districts where such shelter care facilities are unavailable for dependent children, the order shall specify that dependent children shall be brought to the department of pensions and security for placement in licensed or approved foster homes.

Copies of the order shall be made available to all law enforcement agencies within the territorial jurisdiction of the court.

COMMENT: See Section 5-119-121, Act No. 1205, Acts of Alabama, 1975 Regular Session, in regard to circumstances under which a child may be taken into custody and detained.

This rule should provide a means for anyone taking a child into custody to deliver such child to an appropriate detention or shelter facility without undue delay.

Rule 10: DISRUPTIVE BEHAVIOR IN DETENTION.

In the event a child's habits or conduct are a menace to himself or to others or when no other detention facility is available, upon order of the juvenile court the child may be placed in a jail in accordance with Section 5-122 (b), Act No. 1205, Acts of Alabama, 1975 Regular Session. A detention hearing shall then be held within 72 hours, Saturdays, Sundays and holidays included, to determine whether continued detention in the jail is required. The child shall be represented by counsel at such hearing.

COMMENT: Although placing a child in jail shall be avoided whenever possible, where no juvenile detention facility is available or where such facility is inadequate in light of a child's disruptive behavior to protect the child or others from the consequences of such behavior, the child may be placed in a jail. See Section 5-122 (b), Act No. 1205, Acts of Alabama, 1975 Regular Session, for legislative safeguards when jails are utilized.

Under this rule a child who is removed from a detention facility and placed in a jail must be given a hearing to determine the necessity of continued detention in the jail. This hearing is required even when a detention hearing determining the need for detention has already been held.

Rule 11: RIGHTS OF THE CHILD.

(A) When the child is taken into custody, he must be informed of the following rights by the person taking him into custody:

- (1) that he has the right to counsel;
- (2) that if he is unable to pay a lawyer and if his parents or guardian have not provided a lawyer, one can be provided at no charge;
- (3) that he is not required to say anything and that anything he says may be used against him; and
- (4) if his counsel, parent, or guardian is not present, that he has a right to communicate with them, and that, if necessary, reasonable means will be provided for him to do so.

(B) When a child is brought to the intake office of probation services or delivered to a place of detention or shelter care,

the intake office or person in charge of the facility shall immediately inform the child of:

- (1) the reason for his detention:
- (2) his right to a detention hearing as provided under these rules; and
- (3) his rights during detention as set forth in part (D) of this rule.

(C) When the child is detained, the person in charge of the intake office shall notify the child of his rights as set out in part (A) of this rule. In addition, the person in charge of the intake office shall immediately attempt to notify the parents or guardian of the child of the detention. He shall also inform them of the child's rights and of their right to be represented by counsel throughout the proceedings. The parents or guardian shall also be informed of the child's right to remain silent.

(D) The intake office or person in charge of the detention facility shall, in the most expeditious manner possible, insure that the parents or guardian of the child are notified of the child's whereabouts and the reason for his detention, as well as the child's and the parents' rights, provided by part (B) of this rule. Such a communication shall, if practicable, be made in person or by telephone; otherwise the communication shall be by the best means practicable.

(E) A written statement containing the above information shall be given to the parents, guardian, or custodian at their first meeting with the officer. If they do not appear at the facility within 24 hours after the placement of the child in the facility or if they fail to attend the detention or shelter care hearing, this written statement shall be mailed to them if the addresses may reasonably be ascertained.

Rule 11: RIGHTS OF THE CHILD.

(F) If a petition has been filed, the parties shall be informed of their rights as set out in parts (A) and (C) of this rule. In addition, the court shall inform the parties at the commencement of the detention or shelter or other care hearing, of the contents of the petition and all of the parties shall be given an opportunity to admit or deny the allegations of the petition.

(G) The child has a right to be represented by counsel at all stages of the proceeding.

(1) If any proceeding in which there is a reasonable likelihood that the child may be committed to an institution

in which his freedom may be curtailed, and if counsel has not otherwise been retained, counsel shall be appointed for the child.

(2) In all other proceedings, the court may appoint counsel in any case upon request or when it deems such appointment is in the interest of justice.

(H) The child, through his attorney, has the right to cross-examine witnesses.

(I) The child has the right to confront all witnesses against him unless the court finds that such confrontation would not be in the best interests of the child.

(J) The child shall be furnished a transcript on appeal. If the child or his parents cannot afford a transcript, the court shall order the transcript paid for out of funds set aside for this purpose.

COMMENT: This rule clarifies the child's rights at the different phases of the case.

Rule 12. INITIATION OF CASES.

(A) Any person or agency having knowledge of the facts may make a complaint to the intake office alleging facts sufficient to establish the jurisdiction of the court and the delinquency, dependency or need of supervision of the child. A complaint is made when it is filed with the intake office, which shall immediately note thereon the date and time of filing.

(B) Whenever the court is in receipt of a complaint the intake office shall conduct a preliminary inquiry to determine whether the child is within the jurisdiction of the court and whether the best interests of the child or of the public require that a petition be filed.

(C) If it appears from the preliminary inquiry that the child is within the jurisdiction of the court and judicial action appears necessary, the intake office shall either:

(1) make informal adjustment pursuant to Rule 15;
or

(2) file a petition where judicial action appears necessary.

(D) If the intake office recommends the filing of a petition, such action shall be final. The filing of a petition shall occur within fourteen (14) days of receipt of the complaint, except as provided in Rule 15 or when a child has been detained.

(E) In cases of the violation of a law or ordinance relating to the operation of a motor vehicle by a child under the

age of sixteen (16), or in cases transferred to a juvenile court by any court exercising jurisdiction over traffic offenses, the issuance of a traffic citation or summons shall be sufficient to invoke the jurisdiction of the court.

COMMENT: The preliminary inquiry at intake should consist of a review or evaluation of information supplied by the agency or person making the complaint. See Sections 5-116 and 5-123 (a), Acts No. 1205, Acts of Alabama, 1975 Regular Session.

Rule 13: SERVICE OF SUMMONS.

Service of summons shall be pursuant to the Alabama Rules of Civil Procedure except as hereinafter provided:

(A) The summons shall be served upon a party at least 24 hours before the hearing.

(B) There shall be no notice by publication of any proceeding in the juvenile court except in proceedings to terminate parental rights.

(C) The inability to serve any party shall not deprive the court of jurisdiction to proceed.

(D) If a person summoned fails to appear, without reasonable cause, he may be proceeded against for contempt of court.

COMMENT: Notice by publication, when personal service cannot be effected, is not provided in most juvenile cases. Effectiveness of this notice must be balanced against the necessity for immediacy of the hearing and the requirement of confidentiality of juvenile court proceedings. Rule 27 provides modification procedure when a party has not been served personally or by publication.

Rule 23 provides a waiver of timeliness of notice requirements under this rule. See also Section 5-117 (e), Act No. 1205, Acts of Alabama, 1975 Regular Session, for waiver of service.

Rule 14: APPEARANCE OF COUNSEL.

Counsel shall enter his appearance in all court proceedings with the clerk of the court, or by appearing personally at a court hearing and advising the court that he is representing a party. Counsel who have appeared shall receive copies of all notices required by statute or rule to be given to parties, and, in such cases, notices need not be given to the parties unless the court shall so order. When counsel has entered an appearance or accepted an appointment, he shall not withdraw from the case without the consent of the court.

Rule 15: INFORMAL ADJUSTMENT.

(A) If there is sufficient evidence to bring the child within the jurisdiction of the court, and following advisement of rights to the child and his parents or custodian, including the right to counsel at this and all other stages of the proceeding, upon recommendation of the intake office the matter may be held open and the intake office may attempt, with the consent of the child and his parents or custodian, to make satisfactory informal adjustment.

(B) Informal adjustment shall include counseling and advising the child and his parents or custodian by the intake officer and other appropriate persons and may include, with the consent of the juvenile and with the consent of his parents or custodian, supervision by the juvenile officer and the temporary placement of the juvenile with persons other than his parents or custodian. Referrals may be made to public and private agencies which may provide assistance or services to the juvenile and his parents or custodian.

(C) The intake officer may either terminate the informal adjustment process and dismiss the child without further proceedings or terminate the informal adjustment process and file a petition in the court if at any time:

(1) it appears that the child and his parents or custodian have received the maximum benefit from the informal adjustment process;

(2) the child or his parents or custodian declines to participate further in the informal adjustment process;

(3) the child or his parents or custodian denies the jurisdiction of the court;

(4) the child or his parents or custodian expresses a desire that the facts be determined by the court;

(5) the child fails without reasonable excuse to attend scheduled conferences;

(6) the child appears unable or unwilling to benefit from the informal adjustment process;

(7) the intake officer becomes apprised of new or additional information which makes it appear that further efforts at informal adjustment would not be in the best interests of the juvenile or of society; or

(8) other sufficient reasons exist for terminating the informal adjustment process.

(D) The informal adjustment process shall not continue beyond a period of six months from its commencement.

(E) Upon termination of the informal adjustment process and dismissal of the child without further proceedings, the intake officer shall notify the child and his parents or custodian thereof and report such action to the court.

COMMENT: Informal adjustment procedures allow the intake office to suspend formal proceedings and proceed to adjustment satisfactory to the parties. This rule provides adjustment without the necessity of the filing of a petition.

"Custodian," as used in this and other rules, does not mean "legal custodian" as defined in Section 5-101 (g) of Act No. 1205, Acts of Alabama, 1975 Regular Session, and is intended to include the guardian of the child.

Rule 16: CONTINUANCE UNDER SUPERVISION WITHOUT ADJUDICATION CONSENT DECREE.

(A) At any time after the filing of a delinquency or in need of supervision petition and before the entry of an adjudication order, the court, following advisement of rights to the child and his parents or custodian including the right to counsel at this and other stages of the proceedings, may suspend the proceedings, and continue the child under supervision under terms and conditions negotiated with probation services and agreed to by all parties affected; provided, however, that the judge may continue the child under supervision over the objection of the prosecutor. The court's order continuing the child under supervision shall be known as a consent decree.

(B) Where the child objects to a consent decree, the court shall proceed to findings, adjudication and disposition. Where the child does not object, but an objection is made by the prosecutor after consultation with probation services, the court shall, after considering the objections and reasons therefor, proceed to determine whether it is appropriate to enter a consent decree.

(C) A consent decree shall remain in force for six (6) months unless the child is discharged sooner by the court. Upon application of probation services or other agency supervising the child, made before expiration of the six-month period, a consent decree may be extended by the court for an additional six (6) months.

(D) If prior to discharge by the probation services or expiration of the consent decree, a new delinquency or in need of supervision petition is filed against the child, or the child otherwise fails to fulfill express terms and conditions of the decree, the petition under which the child was continued under supervision may be reinstated and the case may proceed to adjudication just as if the consent decree had never been entered.

(E) The petition of a child who is discharged or who completes a period of continuance under supervision without reinstatement of the original delinquency or in need of supervision petition shall be dismissed and the child shall not again be proceeded against in any court for the same offense based upon the same conduct.

COMMENT: This rule permits the court on its own motion or on the motion of the party to suspend the proceedings and continue the child under supervision at any time before the entry of finding with respect to the allegations in the petition. This will not only expedite the administration of justice but also can eliminate the need of a finding of delinquency which may cause problems for the child later in life. A number of provisions included are designed not only to protect the child but also to protect the public. This section should eliminate the necessity of the court carrying cases on an informal or unofficial basis after a petition has been filed.

Rule 17: AMENDING PETITION. —

A petition may be amended by order of the court at any time provided that if the amendment results in a substantial departure from the original allegations in the petition, the court shall continue the hearing on motion of any interested party, or the court may grant a continuance on its own motion.

Rule 18: RELEASE OF INFORMATION. —

The court may release statistical information regarding the processing and disposition of juvenile cases if identity of parties cannot be ascertained from such information and such release is not detrimental to the interests of a child or the work of the juvenile court.

COMMENT: Sections 5-142 and 5-143, Act No. 1205, Acts of Alabama, 1975 Regular Session, protect the confidentiality of juvenile court records. This rule is designed to protect such confidentiality of individual records while allowing the release of statistical information to the public. The protection of the identity of parties may preclude courts in small communities from releasing information except quarterly, semi-annually, etc.

Rule 19: CONFIDENTIALITY OF LAW ENFORCEMENT RECORDS. —

The juvenile court may adopt local rules to enforce confidentiality of law enforcement records. All local rules must be approved by the supreme court. The juvenile judge, or where there is more than one, the presiding juvenile judge shall submit in writing all proposed local rules to the administrative

director of courts who shall forward them to the supreme court for approval.

COMMENT: The concern for protection of confidentiality of juvenile court records is prevalent throughout Article 5 Act No. 1205, Acts of Alabama, 1975 Regular Session. This rule permits local rules to further such protection where local law enforcement procedures may vary. Approval for all such local rules shall enable uniformity to be maintained wherever possible.

Rule 20: RECORD OF PROCEEDINGS. —

(A) A complete record of all testimony shall be kept by stenographic reporting, by mechanical or electronic device, or by some combination thereof. Exhibits and other tangible evidence shall be preserved by the party offering the same unless otherwise directed by the court. The record shall be preserved until the time for taking an appeal has expired.

(B) Testimony shall be transcribed only upon order of the court or upon the request of any party at his own expense.

COMMENT: The rule encompasses the possible use of electronic devices for recording testimony and procedures in any hearing in the juvenile court. This rule should facilitate appeals in that a complete record may be provided in each case.

Rule 21: ADMISSIBILITY OF CHILD'S STATEMENT. —

Any statement of a child made to police or law enforcement officers; prosecution or probation officer may be admissible unless the child has been taken into custody or a petition has been filed. No such statements made after the filing of a petition or the taking into custody of the child may be admissible prior to determination of allegations in the petition unless the child is advised by counsel.

COMMENT: See Section 5-125, Act No. 1205, Acts of Alabama, 1975 Regular Session, for the basic provision limiting the admissibility of statements of children. That section limits admissibility only of those statements made while in custody. Statements made prior to such time are admissible in any phase of the case.

Statements made by the child which are inadmissible in the adjudicatory hearing may be considered after an adjudication of the allegations in determining proper disposition of the case.

Rule 22: RIGHT TO COUNSEL. —

Right to counsel at all stages of the proceedings shall include the right to counsel in an appeal.

Rule 23. SCHEDULING HEARINGS — WAIVER. —

(A) All adjudicatory hearings shall be scheduled for the earliest practicable date with priority given those children in detention or shelter care facilities.

(B) The hearing may be held before the scheduled date if each party waives, in writing or on the record at the hearing, his right to notice of the hearing. In this event each party shall be given a copy of the petition at or before the hearing.

COMMENT: Hearings should be held as quickly as possible allowing for time necessary for preparation. Where a judge also exercises jurisdiction other than that of the juvenile court, priority in scheduling hearings should be given to juvenile cases, especially those cases in which a child has been detained.

Rule 24: CONDUCT OF HEARING. —

The court shall open the hearing by ascertaining if all necessary parties are present and ready to proceed, and should so note on the record.

The court shall then explain to the parties their rights during the proceedings, the substance of the petition and the specific allegations contained in said petition. The court shall also explain to the parties the nature of the proceedings and the alternatives available to the court should the allegations contained in the petition be admitted or proven.

Following these procedures, the court may inquire of the child whether he admits or denies all or some of the allegations contained in the petition. Failure or refusal of the child to admit any allegation shall be deemed a denial of such allegation. If the admissions do not obviate the necessity for a hearing, the court shall then proceed to hear evidence, unless additional time is necessary to prepare for the hearing, and all testimony shall be under oath.

The eliciting of testimony shall not be by any probation officer.

COMMENT: See Section 5-128, Act No. 1205, Acts of Alabama, 1975 Regular Session. The hearing should be as informal as the requirements of due process and fairness permit.

The probation officer should not be placed in the position of prosecuting attorney. See Section 5-107, Act No. 1205, Acts of Alabama, 1975 Regular Session, for the duty of the district attorney to assist the court in its proceedings.

Rule 25: FINDINGS AND ORDERS. —

(A) At any hearing other than to transfer to another court, the court may handle all matters at one time or in phases.

If the allegations of the petition are denied, the court shall direct that testimony of witnesses be taken. The conduct of the hearing shall be consistent with legal and due process requirements and shall proceed generally in a manner similar to the trial of a civil action before the court sitting without a jury, except that the child may not be compelled to be a witness. If the child admits the allegations of the petition, the court may hear evidence to corroborate the admissions of the child. At the close of the hearing the court shall make one of the following findings in a docket entry or written order:

(1) that the facts alleged in the petition are true and the child is dependent, in need of supervision, or delinquent and is in need of care or rehabilitation; or

(2) that the facts alleged in the petition are not proved or that the child is not in need of care or rehabilitation, in which event the petition shall be dismissed.

(B) Following a finding of delinquency, the child shall remain subject to orders of the court pending the dispositional phase.

(C) When the court makes a finding that a child is a delinquent, the court shall make a disposition of the matter concerning the child or set the matter for a dispositional hearing. Wherever possible the judge or judicial officer who presided at the adjudicatory hearing should preside at the dispositional hearing.

(D) At the close of the dispositional phase, the court shall make its finding by docket entry or written order. If the disposition is probation, the order shall set forth the conditions of probation.

(E) Following the entry of a recommendation by a referee, the referee shall explain to parties not represented by counsel their right to appeal his recommendations to the court and shall set forth in simple and nontechnical language the method of appeal.

(F) Any interested party may request the court for a review of the dispositional recommendation.

COMMENT: See Section 5-128, Act No. 1205, Acts of Alabama, 1975 Regular Session. Phases referred to in (A) above contemplates, e.g., an advisory phase, a detention phase if necessary, an adjudicatory phase, a dispositional phase, or in any combination of phases.

Rule 26: COURT COSTS. —

Court costs of juvenile cases shall be assessed at \$35.00. Uncollected court costs may not be assessed as charges against the county.

COMMENT: See Section 5-139, Act No. 1205, Acts of Alabama, 1975 Regular Session. Although the statute provides court costs as well as other costs and expenses may be valid charges against the county, uncollected court costs shall not be charged to the county under this rule.

Rule 27: MODIFICATION. —

(A) A party not served under Rule 13 may for good cause shown petition the court in writing for a modification of any order, judgment or decree of the court.

(B) The court may dismiss each motion if, after preliminary investigation, it finds that the motion is without substance. If the court finds the motion should be reviewed, it may conduct a hearing upon the issues raised by the motion and may make any orders relative to the issues as it deems proper.

COMMENT: This rule provides for modification when a party has not been served as provided in Rule 13. This does not include parties served by publication in termination of parental rights cases in which service by publication is effected.

Rule 28: APPEALS —

(A) Appeal from a final order, judgment or decree, including an order transferring a child for criminal prosecution, of the juvenile court shall be to the appropriate appellate court:

(1) if an adequate record or stipulation of facts is available and the right to a jury trial has been granted to or waived by all parties entitled thereto, or

(2) if the parties stipulate that only questions of law are involved and the juvenile court certifies the questions.

(B) In all other cases appeal from a final order, judgment or decree, including an order transferring a child for criminal prosecution, of the juvenile court shall be to the circuit court which shall try the case de novo and shall proceed to render such judgment as is otherwise provided for by law in such cases.

COMMENT: This rule reconciles Sections 4-111 and 5-152, Act No. 1205, Acts of Alabama, 1975 Regular Session, with the purpose of providing uniformity of appeals from juvenile courts whether a district or circuit judge sits as the juvenile judge.

The right to a jury trial in this rule applies to cases arising from jurisdiction of minors or adults as provided in Section 5-109, Act No. 1205, Acts of Alabama, 1975 Regular Session, in which a trial by jury is otherwise provided by law.

See Section 5-152(a), Act No. 1205, Acts of Alabama, 1975 Regular Session, in which all appeals from juvenile courts are provided to take precedence over all other business of the court to which the appeal is taken.

Rule 29: TITLE. —

These rules shall be known as the Alabama Rules of Juvenile Procedure.

Rule 30: EFFECTIVE DATE. —

These rules shall take effect on January 16, 1977.

**THE STATE OF ALABAMA — — JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
OCTOBER TERM 1976-77**

ORDER

WHEREAS, this court appointed an Advisory Committee on Rules of Judicial Administration; and,

WHEREAS, recommendations for Rules of Judicial Administration were presented to this court by such Advisory Committee; and,

WHEREAS, copies of the recommendations made by such Advisory Committee were distributed to the bench and bar of this state, as well as to the clerks, registers, court reporters, county commissions and city governing bodies; and,

WHEREAS, written and oral comments, criticisms and suggestions were received by this court; and,

WHEREAS, this court has considered the proposals of the Advisory Committee along with the written and oral presentation of comments, criticisms, objections and recommendations received from the bench and bar;

NOW, THEREFORE, IT IS CONSIDERED AND ORDERED by the Supreme Court of Alabama on this the 14th day of October, 1976 as follows:

1. That the Alabama Rules of Judicial Administration contained in Exhibit "A" to this order be and hereby are adopted as the Alabama Rules of Judicial Administration.

2. That the Alabama Rules of Judicial Administration be effective as of January 16, 1977. However, where an earlier effective date appears by the rule, that date shall control. HEFLIN, C.J., MADDOX, JONES, SHORES, and BEATTY, JJ., concur.

BLOODWORTH, FAULKNER, ALMON and EMBRY, J.J., concur specially.

We join in the adoption of these Rules of Judicial Administration. Not only is it desirable to adopt such rules but we are required to do so by The Judicial Article and The Judicial Implementation Act. We have reservations, however, as to the advisability of adopting such detailed and explicit rules; we would prefer to leave more discretion to the local courts.

BLOODWORTH and MADDOX, JJ., dissent in part.

So long as the legislature continues to provide by statute for the election of presiding circuit judges, we believe that presiding district judges should likewise be elected by their peers. We, therefore, dissent from the adoption of Rule 6(B) providing for selection of presiding district judges by the presiding circuit judges with the advice and consent of the circuit judges in the circuit. Moreover, we would provide the same three-year term as is provided for presiding circuit judges.

I, J. O. Sentell, Clerk of the Supreme Court of Alabama do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 14th day of October, 1976.

J. O. SENTELL

Clerk, Supreme Court of Alabama

EXHIBIT A

ALABAMA RULES OF JUDICIAL ADMINISTRATION

ALABAMA RULES OF JUDICIAL ADMINISTRATION

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| Rule 1: | BONDING OF ALL MAGISTRATES, CLERKS, REGISTERS AND EMPLOYEES OF THOSE OFFICES CHARGED WITH HANDLING PUBLIC FUNDS. — | |

The administrative director of courts (ADC) shall procure from a qualified and responsible company or companies a fidelity position bond or bonds in amount or amounts to be determined by the ADC with the approval of the supreme court, covering all magistrates, clerks, registers and employees of

those offices charged by law with the responsibility of handling public funds. Such bonds shall protect the state in regard to the honesty and faithful performance of official duties by persons in all positions covered.

COMMENTS: Coverage by the fidelity position bond or bonds shall be restricted to those employees of the judicial system charged by law with the responsibility of handling public funds.

This rule is based upon Section 4-106(g)(3) of Act No. 1205, Acts of Alabama, 1975 Regular Session.

Rule 2: BAIL, DISTRICT COURT. —

(A) Personal Recognizance. — The district court may, in its discretion, release a defendant charged with a misdemeanor on his personal recognizance.

(B) Bail Bond Schedule. — The following discretionary bond schedule is established as a general guide. District courts should exercise discretion both in releasing on personal recognizance in misdemeanor cases and in increasing or decreasing bonds above or below the discretionary scheduled amounts.

DISCRETIONARY BOND SCHEDULE

RECOMMENDED RANGE

| | | |
|--|--------------------------------|-------------------|
| Arson | \$1,000 to \$ 7,500 to No Bond | |
| Buying, receiving, concealing stolen property | 500 to | 5,000 |
| Burglary, 1st degree | 1,000 to | 7,500 to No Bond |
| Burglary, 2nd degree | 500 to | 5,000 |
| Embezzlement | 500 to | 5,000 |
| Escape | 500 to | 5,000 |
| Forgery | 500 to | 5,000 |
| False Pretense | 500 to | 5,000 |
| Murder | 5,000 to | 20,000 to No Bond |
| Larceny | 500 to | 5,000 |
| Rape | 1,000 to | 10,000 to No Bond |
| Robbery | 1,000 to | 10,000 to No Bond |
| Assault with intent to murder | 500 to | 10,000 |
| Carnal knowledge | 1,000 to | 5,000 |
| Carrying weapon after a conviction of crime of violence | 500 to | 5,000 |
| Kidnapping | 500 to | 10,000 |
| Leaving the scene of an accident | 500 to | 5,000 |
| Bribery | 500 to | 5,000 |
| Conspiracy | 500 to | 5,000 |

| | | |
|--|----------|---------|
| Setting off dynamite in a dwelling or public building | 1,000 to | 20,000 |
| Perjury | 500 to | 5,000 |
| Fugitive | 1,000 to | No Bond |

DRUG OFFENSES

| | | |
|--|----------|--------|
| Possession of marijuana (misdemeanor) | 300 to | 1,000 |
| Possession of marijuana for sale (felony) | 1,000 to | 5,000 |
| Possession of heroin | 1,000 to | 5,000 |
| Possession of heroin for sale | 1,000 to | 10,000 |
| Possession of cocaine | 1,000 to | 5,000 |
| Sale of cocaine | 1,000 to | 10,000 |
| Possession of LSD | 1,000 to | 5,000 |
| Sale of LSD | 1,000 to | 10,000 |
| Possession of amphetamines | 500 to | 5,000 |
| Sale of amphetamines | 1,000 to | 10,000 |
| Possession of barbituates | 500 to | 5,000 |
| Sale of barbituates | 1,000 to | 10,000 |
| Illegal possession of prescription drugs | 500 to | 5,000 |
| Illegal sale of prescription drugs | 1,000 to | 10,000 |
| All other non-capital drug felonies | 500 to | 5,000 |

MISDEMEANORS

| | | |
|---|-----------|-----------------|
| Assault and battery | 300 to | 1,000 |
| Assault with a weapon | 300 to | 1,000 |
| Breach of peace | 300 to | 5,000 |
| | (routine) | (aggravated) |
| Resisting arrest | 300 to | 5,000 |
| Driving while intoxicated | 100 to | 500 |
| | | (out of county) |
| Speeding | 50 to | 100 |
| Reckless driving | 100 to | 300 |
| Other traffic violations | 50 to | 100 |
| Public drunkenness | 50 to | 100 |
| Highway intoxication | 50 to | 300 |
| Violation of liquor laws | 50 to | 300 |
| Trespass | 300 to | 1,000 |
| Petit larceny | 300 to | 500 |
| Overweight trucks | 50 to | 300 |
| Shooting dogs and other domestic animals | 300 to | 500 |
| Violations of pensions and security law | 300 to | 500 |
| Decoying child | 500 to | 1,000 |

| | | |
|----------------------------------|--------|-----|
| Possession of drug paraphernalia | 300 to | 500 |
| All other misdemeanors | 300 to | 500 |

FACTORS TO BE CONSIDERED WHEN SETTING BOND

1. The age, background and family circumstances of the defendant.
2. Evidence of prior convictions.
3. Violence or lack of violence in the alleged commission of the offense.
4. The type of weapon used, i.e., pistol, shotgun, sawed-off shotgun.
5. Threats made against victims and/or witnesses.
6. The value of property taken during the alleged commission of the offense.
7. Whether the property allegedly taken was recovered or not; damage or lack of damage to property allegedly taken.
8. Residence of the defendant, including consideration of real property ownership.
9. In cases where defendant is charged with a drug offense, evidence of selling or pusher activity should indicate a substantial increase in the amount of bond.
10. Consideration of location of defendant's employment, e.g., whether employed in the county where the alleged offense occurred.

COMMENTS: The discretionary bond schedule should be regarded as only a guide for the exercise of judicial discretion.

The discretionary schedule includes a recommended range for bonds in traffic cases. The existence of these provisions is not to be construed to eliminate the practice of allowing a judge to establish a minimum bond schedule for use by sheriffs or not requiring bond in traffic cases or allowing the payment of traffic citations without a court appearance, as set forth in

Rule 19, *infra*.

This rule is based upon Section 4-106(b) of Act No. 1205, Acts of Alabama, 1975 Regular Session.

Rule 3: PHYSICAL FACILITIES, COURT SERVICE. —

(A) Physical Facilities. — Counties shall furnish and maintain courtrooms and offices for court officials and em-

ployees, including judges, clerks, registers and district attorneys, utilities and other necessary facilities for state courts in accordance with standards prescribed by the administrative director of courts (ADC). Municipalities shall furnish and maintain such space and facilities where district courts are required to sit for the enforcement of municipal ordinances or otherwise. Counties and municipalities may provide additional court supportive personnel, services, equipment and furnishings.

(B) Court services. — The ADC shall have authority to contract, with the approval of the chief justice, for additional necessary court services with county commissions, municipalities, private individuals, corporations or other entities to facilitate the orderly function of the state judicial system.

Rule 4: DUTIES OF CLERK AND REGISTER. —

The following duties shall repose in the office of clerk or register of the circuit court and clerk of the district court:

(A) The clerk and register or their representatives shall attend sessions of court in their circuit or district when required by the court.

(B) The clerk and register shall keep such indexes as will insure ready reference to any action or proceeding filed in the court in accord with procedures established by the administrative director of courts (ADC).

(C) The clerk and register shall issue all process and notices required to be issued.

(D) The clerk and register shall keep such records of the court as are required by supreme court rule or the ADC.

(E) The clerk and register shall safely keep or dispose of, according to law, supreme court rule, or the ADC, all papers and records filed or deposited in any action or proceeding before the court.

(F) The circuit clerk or register shall be responsible for the management of jurors during their service, under the supervision of the court.

(G) The clerk and register, under the direction of the presiding circuit judge, shall prepare annual budgets to be incorporated into the overall court budget and shall administer their offices in such a manner to operate within the approved budget.

(H) The clerk and register shall, periodically, but in no event less than once a month, not later than the tenth day of each month, remit all fines, forfeitures and costs of court, in-

cluding prepaid docket fees, to the official designated to receive such at the municipal, county and state level, as provided by law or rule; provided that on September 25 of each year, the clerk or register shall remit all fines, forfeitures and costs of court, including prepaid docket fees, to the official designated to receive such at the municipal, county and state level, as provided by law or rule.

(I) The clerk or register, with the approval of the presiding circuit judge, shall designate Approved State Depositories to serve as depositories for all court costs, fines, forfeitures, and other public monies coming within their possession and control. The clerk or register, with the approval of the presiding circuit judge, shall designate depositories insured either by the Federal Deposit Insurance Corporation or by the Federal Savings and Loan Insurance Corporation to serve as depositories for all private monies entrusted to said clerks and registers in their official capacity. The ADC shall have the authority to review selections of depositories and may, in the exercise of his discretion, require the removal therefrom of all court costs, fines and forfeitures generated by operation of the judicial system.

(J) The clerk and register shall prepare appeals transcripts in accordance with the Alabama Rules of Appellate Procedure.

(K) The clerk and register shall perform these and other duties as required by law, rule, court order, or directive of the ADC.

COMMENT: The designation of approved state depositories is set forth in Title 55, Section 379, et seq., Alabama Code.

The enumerated duties are supplemental to statutory duties of clerks and registers.

Rule 5: CLERK'S AND REGISTER'S OFFICES, HOURS. —

The office of every clerk of every circuit and district court and of every register shall be open for the transaction of business when the court is in session, and during business hours on all other days except Saturdays, Sundays, and legal holidays; provided, however, that the circuit court or district court may provide by local rule or order that the office of clerk or register of the respective court, shall be open on Saturdays and particular legal holidays.

COMMENT: This rule is based upon Rule 77(c), Alabama Rules of Civil Procedure. Court sessions are discussed in Sections 2-101 and 2-102 of Act No. 1205, Acts of Alabama, 1975 Regular Session.

Rule 6: PRESIDING JUDGES. —

(A) Selection of presiding circuit judge. — The presiding judge of a circuit shall be elected by a majority vote of the circuit judges in the circuit within fourteen (14) days following January 16, 1977, and following the expiration of the terms thereafter. The presiding circuit judge shall serve a term of three (3) years, the first term expiring on January 15, 1980, and may be re-elected; provided, however, the presiding circuit judge shall be subject to removal by the supreme court. In the event of removal, the supreme court shall appoint another circuit judge to serve the unexpired term. In the event that a presiding judge is not elected within twenty-eight (28) days after the beginning of a term, the supreme court shall elect a presiding judge.

(B) Selection of presiding district judge. — The presiding circuit judge, with the advice and consent of a majority of circuit judges in the circuit, shall appoint a presiding district judge to serve a term of one (1) year.

(C) Selection of presiding judges for divisions. — The presiding circuit judge, with the advice and consent of a majority of circuit judges in the circuit, may appoint presiding judges in either the circuit court or district court to serve as presiding judges of divisions of those courts for terms of one (1) year. As to whether or not there shall be divisions in either the circuit court or district court, proposals for the creation or maintenance of divisions shall be subject to annual review by the supreme court.

COMMENT: This rule is to be read in conjunction with Section 2-105 of Act No. 1205, Acts of Alabama, 1975 Regular Session.

Rule 7: FEES FOR MISCELLANEOUS FILINGS. —

Any filing for which there is no express cost under the consolidated fee structure shall be treated as an original filing for cost purposes.

Rule 8: DEFENSE SERVICES. —

(A) Determination of Indigent Defense System for the Circuits Pursuant to Statute. — When a majority of the circuit judges in a circuit having two or more such judges cannot determine the manner in which indigent defense services are to be furnished, the presiding circuit judge, with the advice and consent of the indigent defense commission, shall determine the indigent defense system to be used in each county of the circuit.

(B) Reports to Administrative Director of Courts. — Indigent defense commissions in each circuit shall make written reports, including, but not limited to budgetary requirements and cost of furnishing indigent defense services within the circuit, to the administrative director of courts (ADC) at such intervals as the ADC shall require.

Rule 9: BUDGETARY NEEDS, OBTAINING INFORMATION. —

The presiding circuit judge of each judicial circuit shall forward budgetary projections for the operation of judicial services and facilities in the circuit to the administrative director of courts (ADC) at times and on forms prescribed by the ADC.

COMMENT: Section 11-102(d) of Act No. 1205, Acts of Alabama, 1975 Regular Session, requires the administrative director of courts (ADC) to submit a unified budget for trial courts. It is therefore necessary for the ADC to secure budgetary information from each circuit.

Rule 10: CIVIL SERVICE CLASSIFICATION AND PAYROLL PROCEDURES. —

The administrative director of courts, after consultation with the state personnel department and the state comptroller, shall establish civil service classifications, compensation schedules and procedures for payment of employees of the state judicial system.

Rule 11: LOCAL PURCHASING AUTHORITY. —

(A) All forms, stationery and other printed court supplies for which authorization exists for the local purchase thereof, according to statute, shall be subject to a mandatory quarterly inventory by the circuit court clerk, register and district court clerk, or their designees, on forms provided by the administrative office of courts (AOC). Copies of this inventory shall be filed locally and with the administrative director of courts (ADC).

(B) Supplies set forth in (A) above shall be purchased quarterly, subject to the prior approval of the ADC. Two weeks prior to the purchase date, purchase requisitions shall be forwarded to the ADC, on forms provided by the AOC, for review and approval of the purchase in the manner prescribed by statute.

(C) Emergency purchases may be made by judges, clerks, registers, magistrates and other authorized personnel in ac-

cordance with procedures and limitations prescribed by the administrative director of courts (ADC).

COMMENT: The administrative director of courts is charged with the responsibility of submitting a unified budget and must, therefore, exercise a general supervision over the expenditure of state monies.

Rule 12: SPECIAL JUDGES, COMPENSATION. —

(A) Special Judge, Other than Probate Court. — Any special judge assigned to duty in the circuit court or district court pursuant to statute shall be compensated at the following rates of pay: \$90 per day for service in the circuit court and \$85 per day for service in the district court.

(B) Special Judge, Probate Court. — Any special judge assigned to duty in the probate court pursuant to statute shall be compensated at the rate of \$85 per day.

COMMENT: Section 6-109 of Act No. 1205, Acts of Alabama, 1975 Regular Session, provides for the establishment of a rate of compensation by rule.

Rule 13: TEMPORARY ASSIGNMENTS OF JUDGES. —

The presiding circuit judge may temporarily assign circuit or district court judges to serve either in the circuit or district courts within the circuit.

Rule 14: NOTIFICATION OF ASSIGNMENT. —

Assignments of judges shall be in writing, and shall be sent to the assigned judge as soon as practicable. The appointing authority, or his designee, may orally notify the judge of his assignment and this notification shall be sufficient. A copy of the written assignment shall be filed in the office of the administrative director of courts (ADC) and the office of the circuit clerk or register.

Rule 15: CALENDAR MANAGEMENT. —

The presiding judges of the circuit court and district court, or their designees over whom they have supervisory authority, shall determine the calendaring of civil cases within their respective courts.

Rule 16: PROSECUTION ASSISTANCE BY MUNICIPALITY. —

When a municipality elects to come within the district court system, the district attorney may, in his discretion, re-

quest the assistance of a municipality for prosecution of violations of the ordinances of the municipality. The municipality shall, when requested, furnish prosecutorial services in the district, circuit and appellate courts.

COMMENT: Section 4-131(a) of Act No. 1205, Acts of Alabama, 1975 Regular Session, provides that the district attorney shall have administrative responsibility for district court prosecutions. This rule allows the district attorney to call upon the municipality to provide prosecutorial assistance in the trial of municipal ordinance cases in the district court.

Rule 17: SMALL CLAIMS. —

(A) Published Instructions. — There shall be published, in a form approved by the administrative director of courts (ADC), a manual or list of instructions as a guide for using the small claims court. These instructions shall include information as to how an action is commenced in the small claims court, the costs involved, preparation for trial, a description of the trial procedure, a description of the appeal procedure, available collection procedures, and any other information pertaining to the small claims court which the ADC deems advisable. The instruction on trial preparation shall include specific suggestions regarding the particular evidence to bring to the trial of the most common types of cases, including vehicle and other property damage cases, intentional torts and collection of commercial accounts and loans.

(B) Assistance. — The clerks and personnel in clerks' offices are encouraged to render assistance in preparing claims, answers and other court documents, upon request by individuals not represented by counsel.

(C) Forms. — The administrative office of courts shall promulgate all forms to be used in the office of the clerk for all proceedings in small claims court.

(D) Sessions. — It is desirable that sessions of small claims court be held regularly including Saturdays and evenings.

COMMENT: Procedural rules for small claims cases are incorporated in rules of procedure for the district court.

Rule 18: MAGISTRATES. —

I. Administrative Agency Established. — There is hereby established an administrative agency within the state of Alabama to be known as the "Magistrates Agency," which shall be composed of the persons and classes of persons hereinafter described. The persons and classes of persons who constitute

the magistrates agency herein created shall serve at the pleasure of the appointing authority, except as otherwise provided herein, and shall exercise the powers and authority granted by this rule, other applicable rules and as provided by law.

II. Magistrates Agency Composition. — The magistrates agency herein created shall be organized in two divisions, a district court magistrates agency division and a municipal court magistrates agency division, which may be utilized by municipalities maintaining a municipal court.

(A) District Court Magistrates Agency Division. —

(1) Prior to selection of magistrates and warrant clerks, the administrative director of courts (ADC) shall confer with the presiding circuit judge to determine the need and number of warrant clerks or magistrates, as well as the locations to be served by such officials.

(2) The District Court Magistrates Agency Division shall include magistrates selected as follows:

(a) All clerks of state trial courts and any person within the clerk's office designated by the clerk to serve as a magistrate;

(b) All persons serving as full-time magistrates or warrant clerks on September 1, 1976, including those magistrates or warrant clerks who are and will continue to be merit system employees;

(c) All persons appointed to serve as magistrates by the ADC, upon recommendation and nomination by the judge or judges and the clerk of the district court; and

(d) Any judges of a court inferior to the circuit court in any county, municipal judges excluded, who are not qualified under the provisions of Amendment 328 to the Constitution of Alabama to continue to be a judge and whose judgeship is abolished by said Amendment 328 prior to the expiration of his term, may elect to automatically become a magistrate for the duration of his unexpired term as a judge, provided such election is made in writing and filed with the secretary of state prior to January 1, 1977.

(3) Authority of Magistrates in the District Court Magistrates Agency. — Magistrates shall be considered the chief officers of the district court magistrates agency, subject to the administrative direction of the clerk of the district court. The powers of a district court magistrate shall be limited to:

(a) issuance of arrest warrants, setting of bail under the direction of the court and, where such magistrate is licensed to practice law in Alabama, issuance of search warrants;

(b) granting of bail under the direction of the court in minor misdemeanor prosecutions;

(c) receiving of pleas of guilty in minor misdemeanors where a schedule of fines has been prescribed by rules; and

(d) receiving pleas of guilty in traffic infractions prosecutions, but such magistrate may not receive pleas in matters involving:

1. violations resulting in personal injury;
2. operation of a motor vehicle while intoxicated;
3. reckless driving;
4. felonies or indictable offenses;
5. operation of motor vehicle without an operator's license or while such a license is suspended or revoked; or
6. a defendant convicted of two or more previous traffic offenses in the preceding twelve months.

(4) The following fines are prescribed for traffic infractions:

| | |
|--------------------------------------|----------|
| Blocking the highway | \$ 25.00 |
| Driving on wrong side of road | 25.00 |
| Failure to dim | 10.00 |
| Failure to stop at railroad crossing | 5.00 |
| Failure to yield right of way | 10.00 |
| Following too closely | 10.00 |
| Improper brakes | 10.00 |
| Improper lights | 10.00 |
| Improper mufflers | 10.00 |
| Improper passing | 10.00 |
| Improper signal | 5.00 |
| Improper turn | 10.00 |
| Littering highway | 10.00 |
| No helmet (motorcycle rider) | 5.00 |
| Running red light | 10.00 |
| Running stop sign | 10.00 |
| Speeding (unaggravated cases) | 20.00 |

(5) On or before the tenth of each month, magistrates shall transfer all monies and records coming within their possession and control in their official capacity during the preceding calendar month to the clerk's office for an accounting, or upon order by the presiding judge of the district court.

(B) Municipal Court Magistrates Agency Division. —

(1) The municipal court magistrates agency division shall be composed of magistrates selected as follows:

(a) All clerks of municipal courts and any person within the clerk's office designated by the ADC, upon recommendation of the clerk, to serve as a magistrate; and

(b) All persons appointed to serve as magistrates by the ADC, upon recommendation by municipal judges.

(2) Authority of Magistrates in the Municipal Court Magistrates Agency. — Magistrates shall be considered the chief officers of the municipal court magistrates agency, subject to the administrative direction of the clerk of the municipal court. The powers of a municipal court magistrate shall be limited to:

(a) issuance of arrest warrants and setting of bail under the direction of the court;

(b) granting of bail under the direction of the court in minor misdemeanor prosecutions;

(c) receiving of pleas of guilty in minor misdemeanors where a schedule of fines has been prescribed by law or rule; and

(d) receiving of pleas of guilty in traffic infraction prosecutions, but such magistrates may not receive pleas in matters involving:

1. violations resulting in personal injury;
2. operation of a motor vehicle while intoxicated;
3. reckless driving;
4. felonies or indictable offenses;
5. operation of motor vehicles without an operator's license or while such a license is suspended or revoked; or
6. a defendant convicted of two or more previous traffic offenses in the preceding twelve months.

COMMENT: This rule is based upon Section 139(b) of the Alabama Constitution of 1901, as amended, and Sections 4-106(e) and (g) and 8-110(b) of Act No. 1205, Acts of Alabama, 1975 Regular Session.

Rule 19: UNIFORM TRAFFIC INFRACTIONS. —

(A) Complaint and summons; use; forms. —

(1) Traffic complaint and summons. — The complaint and summons used in all traffic cases shall be the "Uniform Traffic Ticket and Complaint."

(2) Use of ticket. — The uniform traffic ticket and complaint shall be used in all traffic cases in all courts of the state. Any ticket properly issued by a law enforcement officer shall be accepted for filing and disposition in any court having jurisdiction over the alleged offense.

(3) Form of traffic complaint and summons. — The form, content and numbering schemes of the uniform traffic ticket and complaint shall be prescribed by the administrative director of courts (ADC).

(4) Issuance of tickets to law enforcement officers. — Each law enforcement agency shall issue the tickets for use by each officer within that agency. Each law enforcement agency shall obtain its supply of the uniform traffic ticket and complaint through purchasing and distribution channels prescribed by the ADC.

(5) Accountability for tickets. —

(a) Law enforcement agencies. — Each law enforcement agency shall be responsible for the proper accounting and use of all uniform traffic tickets and complaints stocked by that agency. All law enforcement officers issuing a traffic ticket shall complete and sign the ticket, serve a copy of the completed ticket upon the defendant and, without unnecessary delay, normally within 48 hours, file the court copies of the uniform traffic ticket and complaint with the court.

(b) Courts. — The presiding judge, judge or clerk of each court shall designate personnel to be responsible for accounting for all uniform traffic tickets and complaints used in said court. Said personnel shall be responsible for the proper disposition and accounting of said tickets and shall cause to be prepared and submitted records and reports relating to the uniform traffic ticket and complaint on a regular, systematic basis, not less than monthly, to the ADC.

(B) Schedule of fines. —

(1) All courts shall post the applicable schedule of fines and costs for minor traffic infractions. This schedule shall be distributed to all law enforcement agencies and officers operating within the jurisdiction of the court and shall be prominently displayed in the offices of the magistrates and clerks of court.

(2) Schedule of fines. —

(a) District court. — The following fines are prescribed for traffic infractions:

| | |
|--------------------------------------|----------|
| Blocking the highway | \$ 25.00 |
| Driving on wrong side of road | 25.00 |
| Failure to dim | 10.00 |
| Failure to stop at railroad crossing | 5.00 |
| Failure to yield right of way | 10.00 |
| Following too closely | 10.00 |
| Improper brakes | 10.00 |
| Improper lights | 10.00 |
| Improper mufflers | 10.00 |
| Improper passing | 10.00 |
| Improper signal | 5.00 |
| Improper turn | 10.00 |
| Littering highway | 10.00 |
| No helmet (motorcycle rider) | 5.00 |
| Running red light | 10.00 |
| Running stop sign | 10.00 |
| Speeding (unaggravated cases) | 20.00 |

(b) Municipal court. —

(i) The governing body of a municipality shall have the power to establish a schedule of fines and costs for summary disposition of minor traffic infractions contained in the laws and ordinances of the municipality, with the exception of the following violations:

- (1) violations resulting in personal injury;
- (2) operation or possession of motor vehicles while intoxicated;
- (3) reckless driving;
- (4) felonies or indictable offenses;
- (5) operation of motor vehicles without operator's license or while license is suspended or revoked;
- (6) where the alleged offense is a moving violation and the alleged offender has previously been convicted of two or more moving violations within the preceding twelve (12) months; and,
- (7) such other infractions which the municipality may so designate.

(C) Procedures. —

(1) Defendant's appearance, plea and waiver of trial. — A defendant charged with a traffic infraction where a schedule

of fines has been prescribed by rule or by a municipality which lawfully may be processed by magistrate may, within seven (7) days, or, in the discretion of the magistrate, not later than 24 hours before the court date shown on the ticket:

(i) appear in person at the magistrate's office, sign a plea of guilty and waiver of trial provision on the ticket and pay the fine and costs; or

(ii) sign the guilty plea and waiver of trial provisions on the ticket and mail the ticket and the amount of the fine and costs to the clerk of the court. Remittance by mail of the fine and costs constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision on the ticket are signed by the defendant. Should the amount tendered be insufficient, such money received by the magistrate or clerk shall be considered to be a partial payment of the lawful penalty, applied by the clerk to the fines and costs and disbursed as required by law. The clerk may give notice of such insufficiency and a supplemental summons or warrant of arrest shall be issued for the offender's arrest, and a judgment shall be entered by the magistrate or court for the balance of the penalty due.

(2) Issuance of summons, warrant. — When a defendant fails to appear pursuant to a ticket issued to him, the court shall issue a supplemental summons or warrant and forfeit bail according to law. The case thereafter shall be disposed of as a court case upon the arrest of the defendant.

(3) Fines and costs paid to clerk of the court. — Fines and costs from the summary disposition of minor traffic infractions shall be paid to the clerk of the court, who shall dispense said funds as provided by law.

Rule 20: JUDICIAL SECRETARIAL SERVICE. —

The administrative director of courts (ADC) shall provide, within available funding, secretarial service for each presiding judge, for his use and the use by all judges not otherwise provided with secretarial services. Additional secretarial services may be certified by the ADC as necessary for judges upon consideration of funding, population and geographic area to be served, caseload of the judge or judges requesting additional services and special circumstances existing in each geographic location.

This rule shall be effective on September 29, 1976.

Rule 21: BAILIFFS. —

The administrative director of courts shall provide, within available funding, one or more bailiffs to each circuit and dis-

strict court judge on either a full-time or part-time basis in accordance with the reasonable requirements of the business of the court.

This rule shall be effective on September 29, 1976.

Rule 22: COURT REPORTERS AND OTHER COURT PERSONNEL. —

(A) The presiding circuit judge shall assign court reporters and other officials and employees of the judicial system from his circuit to service in the district court within his circuit as, in his discretion, such service is required.

(B) The administrative director of courts (ADC) shall determine the need for court reporters for circuit and district court judges, and provide, within available funding, court reporters for each judge on either a full-time or part-time basis in accordance with the reasonable requirements of the business of the court. Court reporters may be certified by the ADC as necessary, within the purview of existing statutes, upon consideration of funding, population and geographic area to be served, caseload of the judge seeking a court reporter and special circumstances existing in each geographic location.

This rule shall be effective on September 29, 1976.

Rule 23: SECRETARIAL SERVICES FOR CIRCUIT COURT CLERKS. —

The administrative director of courts (ADC) shall provide secretarial services for circuit court clerks, within available funding, upon a finding that the services are necessary. Secretarial services shall be certified by the ADC as necessary, and a salary established, upon consideration of funding, population and geographic area to be served, administrative responsibilities of the circuit court clerk seeking a secretary and special circumstances existing in each geographic location.

This rule shall be effective on September 29, 1976.

Rule 24: REQUEST FOR SPECIAL COURT REPORTERS. —

All requests for special court reporters shall be submitted to the presiding circuit judge, who, upon making a determination of need, shall request approval from the administrative director of courts.

Rule 25: JUDICIAL ROBES. —

All justices and judges, while actually sitting as a justice

or judge in a formal judicial proceeding, should wear a suitable black judicial robe.

Probate judges are encouraged to wear a suitable black judicial robe while actually sitting in a formal judicial proceeding.

COMMENT: It is highly desirable for judges to wear a suitable black judicial robe while actually sitting in a formal judicial proceeding. However, the court chose the word "should" rather than the word "shall."

**Rule 26: REGISTER CERTIFICATION OF
COMPENSATION. —**

Upon the assumption by the state of the responsibility of compensating circuit court registers, the administrative director of courts (ADC) shall certify to the state comptroller the sum to be paid by the state to circuit court registers. The amount to be certified by the ADC, pursuant to statute, shall be derived as follows:

(A) For those registers compensated by salary, the ADC shall determine the amount of state compensation, on certificate of income from the appropriate county board of revenue, county treasurer or other county officer charged with county payroll responsibilities.

(B) For those registers compensated by a fee system, the ADC shall determine the amount of state compensation, on certificate of income provided by the register, supported by income tax returns or other evidence satisfactory to the ADC.

Rule 27: ASSUMPTION OF REGISTER DUTIES. —

(A) The clerk of the circuit court shall be vested with all powers and prerogatives and shall perform and discharge all of the duties which have heretofore been vested in and performed and discharged by the register of the circuit court prior to the date a vacancy in the office of register occurs. The said clerk shall also collect all fees heretofore payable to the register and all such fees shall be remitted to the clerk's office as other fees and costs are collected or remitted.

(B) In the event the register who occupied the office before the vacancy occurred was on the fee system, then such fees which the register or his or her estate may be entitled to receive after the date of the vacancy shall be paid to the former register or his or her estate.

This rule shall be effective on September 29, 1976.

**Rule 28: NOTICE BY MUNICIPALITIES TO COME
WITHIN THE DISTRICT COURT SYSTEM
AS OF DECEMBER 27, 1977.**

Any municipality desiring to come within the district court system on December 27, 1977, shall provide notification of such intent to the administrative director of courts (ADC) in writing on or before November 30, 1976; provided, however, that between November 30, 1976, and November 1, 1977, municipalities may notify the ADC, in writing, of their desire to come within the district court system. If the ADC approves, then such municipal court shall become part of the district court system on December 27, 1977.

This rule shall be effective on September 29, 1976.

COMMENT: This rule provides the administrative director of courts with the ability to adequately forecast budgetary needs for the operation of the state trial courts.

Rule 29: CALL OF CASES. —

The causes on the dockets for trial shall be called peremptorily at the times fixed by law and at such other times as may be fixed by order of the presiding circuit judge or the Chief Justice of the Supreme Court of Alabama, so that every case, civil or criminal, shall have at least two peremptory calls in every year, and cases against prisoners shall be called as many more times as may be necessary to secure prompt trials.

Rule 30: DISTRICT COURT SEAL. —

(A) Seal. — The district court shall have a seal with the words "SEAL OF THE DISTRICT COURT, STATE OF ALABAMA, _____ COUNTY."

(B) Affixing of Seal. — The seal of the district court may be used for the authentication of a copy of a record of proceedings of a court or its officers for the purpose of record or evidence in another court or place.

**Rule 31: STANDING COMMITTEE, PROCEDURE FOR
RULE AMENDMENT AND PROPOSAL. —**

(A) Standing Committee. — There is hereby established a standing committee on rules of judicial administration in this state to be appointed by the supreme court.

(B) Procedure for Rules Amendment and Proposal. — Any person within this state may offer amendments to these rules or proposals for new rules as from time to time may be desira-

ble. Any such amendment or proposal shall be submitted to the administrative director of courts, who shall forthwith provide copies of such amendments or proposals to all members of the committee. The committee members shall meet in plenary session a minimum of once per year to consider amendments and proposals and shall review existing rules. The chairman of the committee may, however, direct the convening of the committee at any time committee business requires. The committee shall report its activity to the supreme court, including all recommendations for amendment or enactment of proposals; provided, that the committee may report to the supreme court at any time when, in the opinion of a majority of the committee, such a report is necessary.

Rule 32: PROBATE JUDGES' CONTRIBUTIONS TO RETIREMENT FUND. —

(A) Judges Compensated by Fees. — Probate judges compensated by fees shall forward their contributions monthly to the judicial retirement fund in the state treasury individually, and the contribution shall be credited to the individual account of the probate judge from whose fees it was deducted.

(B) Judges Compensated by Salary. — Probate judges on salary shall have their contributions to the judicial retirement fund deducted by the county commission and forwarded to the judicial retirement fund in the state treasury, and the contribution shall be credited to the individual account of the probate judge from whose salary it was deducted.

This rule shall be effective on September 29, 1976.

Rule 33: TRANSFER OF RECORDS. —

When a case is transferred from one court to another, the court from which the case is transferred shall transfer all original records in the case to the office of the clerk of the court to which the case is being transferred; provided, however, that the court transferring the case shall maintain a copy of the original records.

Rule 34. ESTABLISHMENT OF DISTRICT CLERK'S OFFICE. —

Upon written request of the clerk of the circuit court or the judges of the district court, and after consultation with the presiding circuit judge, the county commission, the president of the local bar, if any, the district attorney, and the administrative director of courts, the supreme court may authorize a separate clerk's office for the district court of a county. In

determining the need for a separate district clerk's office, the supreme court shall consider, among other factors, the following criteria:

- (a) Caseload of the district court;
- (b) Personnel to be under the supervision of the district court clerk;
- (c) Revenues generated by the district court; and
- (d) Sound management practices.

Rule 35: NOMINATION AND APPOINTMENT OF DISTRICT COURT CLERK. —

(A) Should a separate clerk's office for the district court be authorized, the administrative director of courts (ADC), with the advice and consent of the presiding judge of the circuit court and a majority of the district court judges of the district concerned, shall appoint, from a list of names submitted to the ADC, a clerk of the district court for the district wherein such separate office is authorized. If a separate clerk's office for the district court is authorized prior to January 16, 1977, the ADC shall obtain the advice and consent of a majority of the district judges who have been elected or who will be commissioned.

(B) Thirty (30) days prior to such appointment, the ADC shall send to the Chief Justice of the Supreme Court, the presiding judge of the circuit, the circuit clerk, and the presiding judge of the district concerned, notice of the upcoming appointment, including the date the appointment is to be made.

(C) Nominations for the office of clerk of the district court shall be submitted to the ADC not later than seven (7) days prior to the date of appointment. Nothing in this, or any other, rule shall prevent the ADC from submitting nominations for the office of clerk of the district court.

Rule 36: COMPENSATION OF REGISTERS. —

Upon state assumption of compensating registers of the circuit court, each register shall be paid a salary in lieu of all other fees previously received pursuant to statute or rule, equal to the highest net annual income received for services rendered as register for the three years next preceding January 16, 1977; provided, however, that the "three years next preceding" shall be the three calendar years next preceding January 16, 1977.

This rule shall be effective on September 29, 1976.

Rule 37: REGISTER CONTRIBUTIONS TO SUPERNUMERARY FUND. —

(A) Monthly contributions into supernumerary fund. — Registers shall contribute, in equal monthly installments, an amount equal to five (5) percent of the highest net annual income received for services rendered as register for any one year of the three years next preceding February 14, 1975, until such time as all registers are compensated by salary in lieu of fees; provided, however, that the "three years next preceding" shall be the three calendar years next preceding February 14, 1975.

(B) Contributions for prior service. — For each year for which prior service credit is sought, registers shall contribute five (5) percent of the highest net annual income received for services rendered for any one year of the three years next preceding February 14, 1975; provided, however, that the "three years next preceding" shall be the three calendar years next preceding February 14, 1975.

This rule shall be effective on September 29, 1976

Rule 38. CLERK CONTRIBUTIONS TO SUPERNUMERARY FUND; PRIOR SERVICE. —

Salaried circuit clerks purchasing prior service credit toward supernumerary status shall contribute an amount equal to five (5) percent of the salary received for the years for which prior service credit is sought.

This rule shall be effective on September 29, 1976.

Rule 39. FISCAL PROCEDURES. —

The administrative director of courts (ADC) shall establish procedures for the receipt, deposit and disbursement of all funds of the offices of clerks, registers and magistrates. These procedures will include the setting of minimum and maximum balances to be maintained in accounts, the replenishing of funds in local accounts by the comptroller as may be required and the accountability for the receipt, deposit and disbursement of all funds.

Rule 40: DESCRIPTION OF AND FEE FOR TRANSCRIPTS. —

(A) Pursuant to the authority and responsibility of Section 7-110 of Act No. 1205, 1975 Regular Session, all court reporters shall be allowed a fee of \$1.65 for the preparation of the original impression only of each page of the transcript of the proceeding which shall be on legal size paper containing a minimum of 30 double spaced lines with margins of no less

than $\frac{3}{4}$ inch nor more than 1 inch on each side, $1\frac{1}{2}$ inches at the top and no less than $\frac{1}{2}$ inch nor more than 1 inch at the bottom. The format of the testimony shall substantially comply with the form which is attached hereto for reference.

Fees for copies will be allowed at a rate of 10 cents per page for each copy of the original impression.

The court reporter shall deliver the original and three photocopies to the clerk's office in all criminal cases; provided, however, that upon the written authorization of the clerk of the appellate court, the original and three carbon copies may be delivered in a particular case.

(B) Fees to be paid to clerks, registers, or other officers of the court, for services rendered in preparing, assembling, numbering, completing and binding transcripts on appeal, and in making photocopies thereof, and in filing certificates of completion in accordance with the Alabama Rules of Appellate Procedure are as follows:

(1) For the original record on appeal: \$25.00 for the first volume and \$5.00 for each volume thereafter, and 10 cents for each page thereof required to be photocopied under the Alabama Rules of Appellate Procedure.

(2) For photocopies of the record on appeal: 10 cents per page for each copy of the record on appeal.

(C) The statutory provision that a court reporter shall not be required to furnish a transcript until the payment or security for such transcript is assured shall not have application in those cases wherein the court finds that the defendant is indigent.

COMMENT: Section A provides for the description of the transcript and establishes the fee therefor. That section further provides that the court reporter, as well as the clerk in Section B, may be reimbursed at a rate of 10 cents per page for each copy.

Section B provides for the fee payable to clerks, registers or other court officers in preparing records and copies.

Section C provides that transcripts will be furnished to indigents without advance payment or security.

RULE 41: WILLFUL NONCOMPLIANCE WITH RULES AND ACT NO. 1205, ACTS OF ALABAMA, 1975 REGULAR SESSION. —

For a willful noncompliance with any material or substantive requirement of these rules or Act No. 1205, Acts of Ala-

bama, 1975 Regular Session, any official, officer or employee of the unified trial court system subject to these rules may be held in contempt of court by the supreme court or circuit court after reasonable notice of such noncompliance.

COMMENT: This rule is applicable to employees of the judicial system. Justices and judges are subject to disciplinary action pursuant to Amendment 328 to the Constitution of Alabama and the Canons of Judicial Ethics.

Rule 42. EFFECTIVE DATE. —

Except as otherwise provided herein, these rules shall become effective on January 16, 1977.

Rule 43. TITLE. —

These rules shall be known and cited as the "Alabama Rules of Judicial Administration."

JAMES W. SMITH

The witness called in behalf of the Defendant, after having been first duly sworn to speak the truth, the whole truth and nothing but the truth, took the stand and testified as follows:

DIRECT EXAMINATION

BY MR. DEFENSE ATTORNEY:

Q. Please state your name for the benefit of the record.

A. James Smith.

Q. And your address, please, sir?

A. 432 Broadway.

Q. Did you have an opportunity or duty to respond to a call, or an occasion to visit a home on Cottonwood Drive?

A. Yes, sir. I arrived there at 9:30 a.m., December 7th.

Q. And what did you find when you went inside the house?

A. A body, and bullet holes in the wall.

MR. ATTORNEY: Would you mark these for identification, please, Mr. Reporter?

(Whereupon, two photographs were marked for identification as Defendant's Exhibit One and Defendant's Exhibit Two, respectively.

Q. Mr. Smith, I will ask you to look at those photographs and tell the jury, if you will, please, sir, if you took those photographs?

A. To the best of my knowledge, yes, sir.

Q. And do those photographs fairly and accurately depict the position of the body in the area where they were taken?

A. To the best of my knowledge, yes, sir.

Q. Was there anyone else there at the house at the time you arrived?

OFFICIALS OF THE STATE OF ALABAMA

GEORGE C. WALLACE, Governor

Lieutenant-Governor

Jere Beasley Clayton

Attorney General

William J. Baxley State Capitol

State Auditor

Bettye Frink State Capitol

Secretary of State

Mrs. Agnes Baggett State Capitol

State Treasurer

Melba Till Allen State Capitol

Superintendent of Education

Dr. Wayne Teague State Office Bldg.

Commissioner of Agriculture and Industries

McMillan Lane State Office Bldg.

Adjustment, State Board of

Mrs. Agnes Baggett, Secretary of State

Bettye Frink, State Auditor

Melba Till Allen, State Treasurer

James R. Solomon, Director of Finance

Adjutant General

Charles A. Rollo State Adm. Building

Aging, Commission on

Emmett W. Eaton, Executive Director

Agriculture and Industries, State Department of

McMillan Lane, Commissioner State Office Bldg.

Agricultural Center Board

Aubrey H. Fleming, Manager Coliseum, Federal Drive

Aeronautics, Alabama Department of

James Rowe, Director Montgomery

Alabama Development Office

R. C. "Red" Bamberg, Director

Alcoholic Beverage Control Board, Alabama

Frank W. Potts, Chairman Florence

Alabama Judicial Conference, Criminal Justice Survey

Charles D. Cole, Director 200 So. Hull, 36104

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Architects, State Board for Registration of

John M. Morton, Secretary429 S. Decatur St.

Archives and History, Department of

Milo B. Howard, Jr., DirectorArchives Building

Armory Commission, State

Maj. Gen. Chas. A. Rollo, Vice-Chairman.....State Adm. Bldg.

Athletic Assn., Ala.

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E. W. Patton, SecretaryBox A, Vinemont

Bar Association, Alabama State

Reginald T. Hamner,415 Dexter Ave.

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Chiropractic Examiners, State Board of

Dr. D. K. Cooper, Sec.-Treas.

Civil Defense Agency

C. J. Sullivan, DirectorState Adm. Bldg.

Coliseum, State

A. H. Fleming, Coliseum ManagerFederal Drive

Comptroller, State

Fred E. ZeiglerState Capitol

Conservation and Natural Resources, Dept. of

Claude D. Kelley, CommissionerState Adm. Bldg.

Contractors, State Licensing Board for General

Mrs. Sara Crumpton, Executive Secretary...State Adm. Bldg.

OFFICIALS OF THE STATE OF ALABAMA—Continued

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| <i>Cosmetology, State Board of</i> | |
| Mrs. Billie K. Jehle, Exec. Secretary | Montgomery |
| <i>Dental Examiners, Board of</i> | |
| Dr. Walter L. Allen, III, Sec.-Treas. | Montgomery |
| <i>Dead Bodies, Board For Distribution and Delivery of</i> | |
| Earl G. Hamel Jr., Secretary | Birmingham |
| <i>Docks Department, State</i> | |
| Reuben E. Wheelis, Director | Mobile |
| <i>Education, State Department of</i> | |
| Dr. Wayne Teague, Superintendent of Education | State Office Bldg. |
| <i>Embalming, State Board of</i> | |
| Robert N. Bolton, Member | Columbiana |
| <i>Engineers and Land Surveyors, State Board of Registration for Professional</i> | |
| Miss Sarah E. Hines, Ex. Secretary | State Adm. Bldg. |
| <i>Employees' Retirement System of Alabama</i> | |
| David G. Bronner, Secretary-Treasurer | State Adm. Bldg. |
| <i>Entomologists, Horticulturists, Floriculturists and Tree Surgeons, Board to Examine</i> | |
| Dr. J. A. Brock, Acting Secretary | State Office Bldg. |
| <i>Examiners of Public Accounts, Dept. of</i> | |
| W. W. Dillard, Jr., Acting Chief Examiner | State Capitol |
| <i>Executive Department, Governor's Office</i> | |
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| Henry Steagall, Executive Secretary | State Capitol |
| Bill Jackson, Legal Advisor | State Capitol |
| Billy Joe Camp, Press Secretary | State Capitol |
| Kate Simmons, Recording Secretary | State Capitol |
| <i>Farmers' Market Authority</i> | |
| William M. Arrington, Administrator | Montgomery |
| <i>Finance Department</i> | |
| James R. Solomon, Director | State Capitol |
| <i>Fire Marshal, State</i> | |
| Roy L. Thornell | State Adm. Bldg. |
| <i>Forestry Commission, Alabama</i> | |
| Cecil W. Moody, Forester | Montgomery |

OFFICIALS OF THE STATE OF ALABAMA—Continued

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| Philip E. LaMoreaux, State Geologist | University |
| <i>Health, Department of Public</i> | |
| Dr. Ira L. Meyers, State Health Officer | State Office Bldg. |
| <i>Highway Department, State</i> | |
| Ray Bass, Director | Highway Bldg. |
| <i>Highway Patrol (See Public Safety)</i> | |
| <i>Highway Traffic Safety</i> | |
| Jesse J. Lewis, Coordinator | Montgomery |
| <i>Historical Commission, Alabama</i> | |
| W. Warner Floyd, Executive Director | Montgomery |
| <i>Industrial Relations, Department of</i> | |
| T. J. Ventress, Director | State Office Bldg. |
| <i>Insurance, State Department of</i> | |
| Charles H. Payne, Commissioner | State Adm. Bldg. |
| <i>Labor, Department of</i> | |
| Howard E. Hendrix, Director | Montgomery |
| <i>Legislative Commission to Preserve the Peace, Alabama</i> | |
| Edwin Strickland, Staff Director | Montgomery |
| <i>Legislative Reference Service</i> | |
| Louis G. Greene, Director | State Capitol |
| <i>Licensing Board For the Healing Arts, State</i> | |
| Paul Ashurst, Executive Officer | State Capitol |
| <i>Liquefied Petroleum Gas Board, Alabama</i> | |
| Bill Cassity, Administrator | State Office Bldg. |
| <i>Medical Examiners, State Board of</i> | |
| Dr. Robert Parker, Secretary | State Office Bldg. |
| <i>Medical Technicians Examiners, Board of</i> | |
| Mrs. Ruby J. Atkins, State Health Dept. | State Office Bldg. |
| <i>Mental Health, State Dept. of</i> | |
| Taylor Hardin, Commissioner | State Office Bldg. |
| <i>Military Department</i> | |
| Maj. Gen. Chas. A. Rollo, Adj. General | State Adm. Bldg. |
| <i>Nursing, Board of</i> | |
| Miss Betty Tomlin, Ex. Officer | State Adm. Bldg. |

OFFICIALS OF THE STATE OF ALABAMA—Continued

| | |
|---|----------------------------------|
| <i>Optometry, State Board of</i> | |
| Dr. Willard Smith | Eufaula |
| <i>Oil and Gas Board, State</i> | |
| Philip E. LaMoreaux, Supervisor | University |
| <i>Pardons and Paroles, State Board of</i> | |
| Ealon M. Lambert, Chairman | State Adm. Bldg. |
| <i>Pensions and Security, State Department of</i> | |
| Mrs. Julia J. Oliver, Commissioner | State Adm. Bldg. |
| <i>Personnel Department</i> | |
| J. S. Frazer, Director | State Adm. Bldg. |
| <i>Pharmacy, Alabama Board of</i> | |
| J. W. McLane, Secretary | 427 City Federal Bldg., B'ham |
| <i>Physical Fitness, Commission on</i> | |
| Daniel Long, Executive Director | |
| <i>Physical Therapy, State Board</i> | |
| David Cashill | 6367 McKenna, Mobile |
| <i>Pilotage Commission, State</i> | |
| C. E. Vacalis, Chairman | 131 New Jersey St., Mobile 36603 |
| <i>Psychology, State Board of Examiners</i> | |
| Judith E. Hall | 1720-17th Ave., Birmingham |
| <i>Public Accountancy, State Board</i> | |
| Joseph G. Robertson, Executive Secretary | Bell Building |
| <i>Public Library Service, Alabama</i> | |
| Mrs. Elizabeth Beamguard, Director | State Adm. Bldg. |
| <i>Public Safety, Department of</i> | |
| E. C. Dothard, Director | Montgomery |
| <i>Public Service Commission, Alabama</i> | |
| C. C. Whatley, President | |
| <i>Publicity and Information, State Bureau of</i> | |
| Doug Benton, Director | State Capitol |
| <i>Purchasing Agent, State</i> | |
| Howard L. White, Jr. | State Capitol |
| <i>Real Estate Commission</i> | |
| Mrs. Mary Goodwin, Ex. Secretary | Montgomery |
| <i>Revenue, Department of</i> | |
| Charles A. Boswell, Commissioner | State Adm. Bldg. |
| <i>River Development Authority, Alabama</i> | |
| R. C. "Red" Bamberg, Administrator | Montgomery |

OFFICIALS OF THE STATE OF ALABAMA—Continued

Securities Commission, State

Charles E. Crawford, Acting DirectorState Adm. Bldg.

Social Security, State Agency

Miss Edna M. Reeves, DirectorState Capitol

Soil and Water Conservation Committee, State

Wilbur B. Nolen, Jr., Ex. SecretaryState Office Bldg.

Teachers' Retirement System, State

David G. Bronner, Secretary-Treasurer.....State Adm. Bldg.

*Television Commission, Alabama Educational*Robert E. Dodd,
Manager2101 Magnolia Ave., B'ham 35205*Toxicologist, State*

C. J. RehlingAuburn

*Trooper, State (See Public Safety)**Unemployment Compensation Division*

See Department of Industrial Relations

Veterans Affairs, State Department of

W. C. Head, Jr., DirectorState Office Bldg.

Veterinary Medical Examining Board, Alabama

Dr. Ray Ashwander, Sec.-Treas.Decatur

Water Improvement Commission

Dr. Ira L. Myers, ChairmanState Office Bldg.

White House Association, The

Mrs. Ruth Rowell, RegentMontgomery

JUDICIAL

Supreme Court

Howell T. Heflin, Chief JusticeJudicial Bldg.

Court of Criminal Appeals

Aubrey M. Cates, Presiding JudgeJudicial Bldg.

Court of Civil Appeals

L. Charles Wright, Presiding JudgeJudicial Bldg.

STATE UNIVERSITIES

Auburn University,

Harry M. Philpott, PresidentAuburn

STATE UNIVERSITIES—Continued

| | |
|---|--------------|
| <i>Auburn University at Montgomery</i> | |
| Hanly Funderburk, Jr., Vice-President | Montgomery |
| <i>Jacksonville State University</i> | |
| Ernest Stone, President | Jacksonville |
| <i>Livingston State University</i> | |
| Asa N. Green, President | Livingston |
| <i>Troy State University</i> | |
| Ralph W. Adams, President | Troy |
| <i>Troy State University at Ft. Rucker</i> | |
| Robert M. Paul, Vice President | Ft. Rucker |
| <i>Troy State University at Montgomery</i> | |
| James E. Bailey, Jr., Vice President | Maxwell AFB |
| <i>University of Alabama</i> | |
| F. David Mathews, President | University |
| <i>University of Alabama in Birmingham</i> | |
| Joseph F. Volker, President | Birmingham |
| <i>University of Alabama in Huntsville</i> | |
| Benjamin B. Graves, President | Huntsville |
| <i>University of Montevallo</i> | |
| Kermit A. Johnson, President | Montevallo |
| <i>University of North Alabama</i> | |
| Robert M. Guillot, President | Florence |
| <i>University of South Alabama</i> | |
| Fred P. Whiddon, President | Mobile |

INSTITUTIONS UNDER CONTROL OF
STATE BOARD OF EDUCATION

| | |
|---|------------|
| <i>Alabama Agricultural and Mechanical University</i> | |
| R. D. Morrison, President | Normal |
| <i>Alabama State University</i> | |
| Levi Watkins | Montgomery |

ALABAMA STATE JUNIOR COLLEGES

| | |
|--|----------------|
| <i>Alexander City State Junior College</i> | |
| Byron Causey, President | Alexander City |

STATE JUNIOR COLLEGES—Continued

| | |
|---|---------------|
| <i>S. D. Bishop State Junior College</i> | |
| S. D. Bishop, President | Mobile |
| <i>Brewer State Junior College</i> | |
| Charles W. Davis, President | Fayette |
| <i>Chattahoochee Valley State Junior College</i> | |
| Ralph M. Savage, President | Phenix City |
| <i>Jefferson Davis State Junior College</i> | |
| Woodfin Patterson, President | Brewton |
| <i>Enterprise State Junior College</i> | |
| B. A. Forrester, President | Enterprise |
| <i>James H. Faulkner State Junior College</i> | |
| Lathem N. Sibert, President | Bay Minette |
| <i>Gadsden State Junior College</i> | |
| A. D. Naylor, President | Gadsden |
| <i>Patrick Henry State Junior College</i> | |
| Cecil L. Murphy, President | Monroeville |
| <i>Jefferson State Junior College</i> | |
| George L. Layton, President | Birmingham |
| <i>Theodore A. Lawson State Community College</i> | |
| Leon Kennedy, President | Birmingham |
| <i>Northeast Alabama State Junior College</i> | |
| E. R. Knox, President | Rainsville |
| <i>Northwest Alabama State Junior College</i> | |
| James A. Glasgow, President | Phil Campbell |
| <i>Snead State Junior College</i> | |
| Virgil McCain, President | Boaz |
| <i>Southern Union State Junior College</i> | |
| L. Ray Jones, President | Wadley |
| <i>Lurleen B. Wallace State Junior College</i> | |
| William H. McWhorter, President | Andalusia |

STATE TECHNICAL SCHOOLS

| | |
|---|---------|
| <i>Alabama Aviation and Technical College</i> | |
| Troy C. Tullis, Director | Ozark |
| <i>Alabama Technical College</i> | |
| Robert W. Howard, President | Gadsden |

STATE TECHNICAL SCHOOLS—Continued

| | |
|---|---------------|
| <i>Atmore State Technical Institution</i> | |
| Malcolm A. Jones, Director | Atmore |
| <i>Harry M. Ayers State Tech. College</i> | |
| Pierce C. Cain, President | Anniston |
| <i>Bessemer State Tech. College</i> | |
| Charles L. Payne, President | Bessemer |
| <i>John C. Calhoun State Community Jr. College</i> | |
| Carlton W. Kelley, President | Decatur |
| <i>George C. Wallace State Community College</i> | |
| Phillip J. Hamm, President | Dothan |
| <i>George C. Wallace Community College</i> | |
| Charles L. Byrd, President | Selma |
| <i>Carver State Technical Trade School</i> | |
| A. L. Green, Director | Mobile |
| <i>J. F. Drake State Tech. College</i> | |
| S. C. O'Neal, President | Huntsville |
| <i>Gadsden State Technical Institute</i> | |
| Eugene N. Prater, Director | Gadsden |
| <i>Richmond P. Hobson, State Tech. College</i> | |
| John C. Mosley, President | Thomasville |
| <i>J. F. Ingram State Voc. School</i> | |
| M. T. Duncan, Director | Deatsville |
| <i>Theodore A. Lawson State Community Col.-Tech. Branch</i> | |
| Leon Kennedy, President | Birmingham |
| <i>Douglas MacArthur State Tech. College</i> | |
| E. C. Nevin, President | Opp |
| <i>Muscle Shoals Tech. Inst.</i> | |
| Richard T. Turner, Director | Muscle Shoals |
| <i>Northwest Alabama State Tech. College</i> | |
| Solon Gregg, President | Hamilton |
| <i>N. F. Nunnolley State Tech. College</i> | |
| Michael J. Arban, Jr., Director | Childersburg |
| <i>Opelika State Tech. College</i> | |
| Robert G. Brown, President | Opelika |
| <i>John M. Patterson State Tech. College</i> | |
| James L. Taunton, President | Montgomery |
| <i>Regional Tech. Institute</i> | |
| James W. Truelove, Director | Birmingham |

STATE TECHNICAL SCHOOLS—Continued

| | |
|--|------------|
| <i>Ed E. Reid State Tech. College</i> | |
| Wiley Salter, President | Evergreen |
| <i>Shelton State Technical College</i> | |
| Harold I. James, President | Tuscaloosa |
| <i>Southwest State Tech. College</i> | |
| Donald S. Jeffries, President | Mobile |
| <i>Chauncey Sparks State Tech College</i> | |
| Myron Motier Cope, President | Eufaula |
| <i>Councill Trenholm State Tech. College</i> | |
| Marion D. Smiley, President | Montgomery |
| <i>Tuscaloosa State Tech. College</i> | |
| C. A. Fredd, Sr., President | Tuscaloosa |
| <i>Walker County State Trade School</i> | |
| Harold Wade, Director | Sumiton |
| <i>George Corley Wallace State Community College</i> | |
| Charles L. Byrd, President | Selma |
| <i>George C. Wallace State Community College</i> | |
| Phillip J. Hamm, Director | Dothan |
| <i>George C. Wallace State Tech. Community College</i> | |
| James C. Bailey, President | Hanceville |

STATE SPECIAL SCHOOLS

| | |
|---|------------|
| <i>Alabama Institute For Deaf and Blind</i> | |
| W. W. Elliott, President | Talladega |
| <i>Alabama School of Fine Arts</i> | |
| James R. Nelson, Exec. Dir. | Birmingham |
| <i>Partlow State School and Hospital</i> | |
| Dr. Robert Sanders, Supt. | Tuscaloosa |

STATE CORRECTIVE SCHOOLS

| | |
|--|------------|
| <i>Alabama Boys' Industrial School</i> | |
| John Carr, Superintendent | Birmingham |
| <i>State Training School for Girls</i> | |
| Eileen N. Slack, Superintendent | Birmingham |
| <i>Alabama Industrial School</i> | |
| G. Wayne Booker, Supt. | Mt. Meigs |

ROSTER OF THE SENATE OF ALABAMA

1975

| | |
|--|---|
| Jere Beasley, <i>Lieutenant Governor</i> | Clayton |
| Joe Fine, <i>President Pro-Tem</i> | Russellville |
| McDowell Lee, <i>Secretary</i> | Montgomery |
| <i>District No. 1</i> | |
| Ronnie G. Flippo | P. O. Box 1221, Florence 35630 |
| <i>District No. 2</i> | |
| Joe Fine | P. O. Box 818, Russellville 35653 |
| <i>District No. 3</i> | |
| Bingham Edwards | P. O. Box 632, Decatur 35601 |
| <i>District No. 4</i> | |
| Finis St. John | P. O. Drawer K, Cullman 35055 |
| <i>District No. 5</i> | |
| Robert T. (Bob) Wilson | 1501 First Ave., Jasper 35501 |
| <i>District No. 6</i> | |
| Albert McDonald | 6800 Madison Pike, Huntsville 35806 |
| <i>District No. 7</i> | |
| Bill G. King | P. O. Box 382, Huntsville 35804 |
| <i>District No. 8</i> | |
| John Baker | Rt. 3, Rainsville 35986 |
| <i>District No. 9</i> | |
| Sid McDonald | P. O. Box 546, Arab 35016 |
| <i>District No. 10</i> | |
| Gerald W. Waldrop | 181 Lakeshore Dr., (Rt. 10, Box 192A) Gadsden 35901 |
| <i>District No. 11</i> | |
| George McMillan | 1550 First National Southern Natural Bldg., Birmingham 35203 |
| <i>District No. 12</i> | |
| Paschal P. ("Pat") Vacca | 929-30 Frank Nelson Bldg., Birmingham 35203 |

ROSTER OF THE SENATE OF ALABAMA—Continued

District No. 13

J. Richmond Pearson809 Bolin Street, S.W.,
Birmingham 35211

District No. 24

Robert L. "Bob" Ellis, Jr.509 Poplar Lane,
Adamsville 35005

District No. 15

U. W. Clemon2121 Building, Suite 1600,
Birmingham 35203

District No. 16

Richard C. Shelby324 First Federal Bldg.,
Tuscaloosa 35401

District No. 17

Eddie Hubert GilmoreP. O. Box 546, Bessemer 35020

District No. 18

Obie J. LittletonP. O. Box 1288, Clayton 35045

*District No. 19**District No. 20*

Donald W. StewartP. O. Box 2182, Anniston 36201

District No. 21

T. D. (Ted) LittleP. O. Box 342, 544 Sherwood
Dr., Auburn 36830

District No. 22

C. C. "Bo" Torbert, Jr.P. O. Box 711, Opelika 36801

District No. 23

T. Dudley PerryP. O. Box 419, Tuskegee 36083

District No. 24

Sam L. AdamsP. O. Box 1690, Dothan 36301

District No. 25

E. C. (Crum) FosheeP. O. Drawer J, Red Level 36474

District No. 26

Jerry PowellP. O. Box 400, Eclectic 36024

ROSTER OF THE SENATE OF ALABAMA—Continued

District No. 27

Fred Jones132 S. Perry St., Montgomery 36104

District No. 28

“Walking” Wendell MitchellP. O. Box 225,
Luverne 36049

District No. 29

District No. 30

Bert Bank#7 Burnt Pine, Rt. 2, Northport 35476

District No. 31

Maston MimsRt. One, Uriah 36480

District No. 32

L. D. (Dick) Owen, Jr.P. O. Box 45, 211-11th St.,
Bay Minette 36507

District No. 33

Mike Perloff257 St. Anthony St., Mobile 36606

District No. 34

L. W. “Red” Noonan161 McGregor Ave., Mobile 36608

District No. 35

Bill RobertsRt. 1, Box 278, Theodore 36582

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA

1975

Joe C. McCorquodale, Jr., *Speaker*Jackson

Robert T. (Bobby Tom) Crowe, *Speaker Pro-Tem*Jasper

John W. Pemberton, *Clerk*Montgomery

Richard C. Whitaker, *Reading Clerk*Montgomery

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

MEMBERS OF THE HOUSE

- 1 LAUDERDALE
Lynn Greer Rt. 3, Box 102, Rogersville 35652
- 2 LAUDERDALE
Robert M. (Bob) Hill, Jr.119 Mobile Street, Plaza
Florence 35630
- 3 LAUDERDALE, COLBERT, FRANKLIN
Tom C. Coburn1107 E. 3rd St., Tuscumbia 35674
- 4 COLBERT, FRANKLIN
J. W. (Joe) Goodwin—310 Ford Rd., Muscle Shoals 35660
- 5 FRANKLIN, MARION
Paul J. WeeksP. O. Box 674, Winfield 35594
- 6 LAMAR, MARION, FAYETTE
Allen McNeesRt. 1, Vernon 35592
- 7 LAWRENCE, MORGAN
Wayland CrossBox D, Courtland 35618
- 8 MORGAN
Charles B. Martin1716 Camellia Dr., S.W.,
Decatur 35601
- 9 MORGAN
Tommy Ed RobertsRt. 4, Box 293-E, Decatur 35601
- 10 MORGAN, CULLMAN
Tom DrakeP. O. Box 36, Cullman 35055
- 11 CULLMAN, WINSTON
John R. Sparks919 Nunnally Dr., S.W., Cullman 35055
- 12 WINSTON, WALKER
Robert T. (Bobby Tom) CroweBox 2308, Jasper 35501

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF
ALABAMA—Continued**

- 13 WALKER
Alvis Naramore5th Ave. & 19th Street, Jasper 35501
- 14 JEFFERSON, BLOUNT
Carl JollyP. O. Box 366, Gardendale 35071
- 15 JEFFERSON
Robert B. (Bob) HallRt. 2, Box 593-W, Pinson 35126
- 16 LIMESTONE
Tommy CarterRt. 2, Elkmont 35620
- 17 LIMESTONE, MADISON
Warren C. MooreRt. 3, Box 875, Huntsville 35806
- 18 MADISON
Frank H. Riddick2920 Hillsboro Rd., S.W.,
Huntsville 35805
- 19 MADISON
Richard Gregg401 Wynn Dr., Huntsville 35805
- 20 MADISON
Robert E. Albright2024 Stanhope Dr., N.E.,
Huntsville 35811
- 21 MADISON
Bill Smith 2203 Colice Rd., S.E., Huntsville 35801
- 22 MADISON, JACKSON
Hartwell LutzSuite 52, Central Bank Bldg.
Huntsville 35801
- 23 JACKSON
Bethel D. StarkeyP. O. Box 3, Pisgah 35765
- 24 JACKSON, DeKALB
Roger KillianP. O. Box 4, Fort Payne 35967
- 25 DeKALB, MARSHALL
Hinton MitchemP. O. Box 297, Albertville 35950

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

- 26 **MARSHALL**
Phillip B. (Phil) Kelley Rt. 2, Box 486,
Guntersville 35976
- 27 **BLOUNT, ETOWAH, MARSHALL**
Joe Brindley Rt. 3, Box 336A, Boaz 35957
- 28 **ETOWAH**
Joe M. Ford 117 Arcade St., Gadsden 25903
- 29 **ETOWAH**
Hubert L. Taylor 2714 Hazel Dr., Gadsden 35901
- 30 **ETOWAH, CHEROKEE**
Kerry Rich Rt. 12, Gadsden 35901
- 31 **JEFFERSON**
Dr. Dewey White, Jr. P. O. Box 7685A,
Birmingham 35223
- 32 **JEFFERSON**
Francis Falkenburg 3001 Argyle Rd.,
Birmingham 35213
- 33 **JEFFERSON**
Robert C. (Bob) Gafford 5345 Division Ave.,
Birmingham 35212
- 34 **JEFFERSON**
Richard Andrews P. O. Box 6061
Birmingham 35209
- 35 **JEFFERSON**
Jack Biddle, III 2256 Pinehurst Dr.,
Gardendale 35071
- 36 **JEFFERSON**
Hoyt W. Trammell Rt. 15, Box 247,
Birmingham 35224

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF
ALABAMA—Continued**

- 37 JEFFERSON
Tom Leonard1725 Windsor Blvd.,
Homewood 35209
- 38 JEFFERSON
Ronald Edward Jackson1605 8th Ave., N.,
Frazier Bldg., Birmingham 35203
- 39 JEFFERSON
Rev. John T. Porter1101 Montevallo Rd., S.W.,
Birmingham 35211
- 40 JEFFERSON
Jack Hopping, Sr.2804 Ave. G., Birmingham 35218
- 41 JEFFERSON
Chris McNairP. O. Box 1851, Birmingham 35201
- 42 JEFFERSON
Hugh Boles1036 Normandale Circle,
Hueytown 35020
- 43 JEFFERSON
Jerome TuckerSuite 1722, 2121 Bldg.,
8th Ave., N., Birmingham 35203
- 44 JEFFERSON
A. L. (Tony) Harrison1214-4th Place No.,
Birmingham 35204
- 45 JEFFERSON
Earl F. Hilliard1605 Eighth Ave., North,
Birmingham 35203
- 46 TUSCALOOSA
Jimmy LeeNo. 2 Wood Manor, Tuscaloosa 35401
- 47 TUSCALOOSA
Roy W. Johnson, Jr.4501 20th St., N.E.,
Tuscaloosa 35401

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 48 TUSCALOOSA, BIBB
Walter Owens107 Court Sq., West, Centreville 35042
- 49 TUSCALOOSA, JEFFERSON
Asbury Howard1930 Exeter Ave., Bessemer 35020
- 50 JEFFERSON
Ralph (Buddy) Armstrong1821 3rd Ave., North,
Bessemer 35020
- 51 JEFFERSON, SHELBY
James T. (Jabo) Waggoner, Jr.1829 Mission Rd.,
Birmingham 35216
- 52 JEFFERSON, SHELBY, TALLADEGA
Sonny MooreP. O. Box 44, Sterrett 35147
- 53 CHILTON, SHELBY
Curtis SmithRt. 3, Box 118, Clanton 35045
- 54 COOSA, TALLADEGA
Murray P. McCluskeyBox 599, Sylacauga 35150
- 55 TALLADEGA
John A. Teague708 Forest Hill Dr.,
Childersburg 35044
- 56 ST. CLAIR, CALHOUN
Marilyn QuarlesP. O. Box 214, Springville 35146
- 57 CALHOUN
Thomas R. (Tom) SheltonP. O. Box 434,
Jacksonville 36265
- 58 CALHOUN
Donald G. HolmesRt. 1, Box 90, Eastaboga 36260
- 59 CALHOUN
Hugh D. MerrillP. O. Box 1498, Anniston 36201
- 60 CLAY, CLEBURNE, TALLADEGA
Gerald O. DialBox 275, Lineville 36266

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 61 **RANDOLPH, CHAMBERS**
Monroe Smith Rt. 1, Box 984, Lanett 36863
- 62 **TALLAPOOSA, CHAMBERS**
Larry Morris Madison St., Alexander City 35010
- 63 **TALLAPOOSA, CHAMBERS, LEE**
Pete Turnham P. O. Box 1592, Auburn 36830
- 64 **CHAMBERS, LEE**
G. J. (Dutch) Higginbotham P. O. Box 585,
Opelika 36801
- 65 **LEE, RUSSELL, BARBOUR**
Charles W. Whatley Rt. 5, Box 250, Opelika 36801
- 66 **RUSSELL**
James A. Baker 400 29th St., Phenix City 36867
- 67 **MACON, BULLOCK**
Thomas Reed Drawer EE, Tuskegee Institute 36088
- 68 **PIKE, COFFEE, BULLOCK, BARBOUR**
Joel M. Folmar P. O. Box 325, Troy 36081
- 69 **DALE, BARBOUR, HENRY**
James G. Sasser 1208 Skipperville Rd., Ozark 26260
- 70 **HOUSTON, HENRY, BARBOUR**
Buddy Crawford P. O. Box 129, Abbeville 36310
- 71 **HOUSTON**
Joe R. Carothers, Jr. Rt. 8, Box 33, Dothan 36301
- 72 **DALE**
R. Nolan Williams Rt. 2, Newton 36352
- 73 **GENEVA, COVINGTON, HOUSTON**
Jack W. Smith P. O. Box 728, Dothan 36301

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 74 COVINGTON, COFFEE
Jimmy W. HolleyRt. 3, Box 191E, Elba 36323
- 75 COVINGTON
Frank JacksonP. O. Box 209, Opp 36467
- 76 ELMORE
Jack B. VenableP. O. Box 736, Tallassee 36078
- 77 MONTGOMERY
Rufus A. Lewis801 Bolivar St., Montgomery 36104
- 78 MONTGOMERY, CRENSHAW
Cecil L. WyattP. O. Box 1, Ramer 36069
- 79 MONTGOMERY
Bishop N. BarronP. O. Box 221, Montgomery 36101
- 80 MONTGOMERY
Alvin A. HolmesP. O. Box 6064, Montgomery 36106
- 81 MONTGOMERY
JAMES D. HARRIS, JR1406 Union Bank Bldg.,
Montgomery 36104
- 82 MONTGOMERY, AUTAUGA, LOWNDES, ELMORE
James J. PlasterRt. 1, Box 193, Autaugaville 36003
- 83 WILCOX, LOWNDES, DALLAS
William D. EdwardsRt. 1, Box 180A, Ft. Deposit 36032
- 84 BUTLER, CRENSHAW
Eric O. Cates, Jr.Rt. 2, Box 222, Greenville 36037
- 85 DALLAS, AUTAUGA
John A. Lockett, Jr.P. O. Box 1354, Selma 36701
- 86 DALLAS, PERRY, MARENGO
R. Leigh Pegues202 Early St., Marion 36756

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 87 MARENGO, SUMTER, HALE, GREENE
Richard S. (Rick) ManleyP. O. Drawer U,
Demopolis 36732
- 88 GREENE, PICKENS, TUSCALOOSA, HALE
George N. ClarkBox 6, Eutaw 35462
- 89 TUSCALOOSA, PICKENS
Edward (Big Ed) RobertsonP. O. Box 331,
Northport 35476
- 90 SUMTER, CHOCTAW
Frank CampbellP. O. Box 992, Livingston 35470
- 91 ESCAMBIA
L. Brooks HinesP. O. Box 345, Brewton 36426
- 92 CLARKE, MONROE
Joe C. McCorquodale, Jr.P. O. Box 535, Jackson 36545
- 93 MONROE, CONECUH, ESCAMBIA
James E. (Jimmy) WarrenP. O. Box 207,
Castleberry 36432
- 94 BALDWIN
Daniel L. KinseyP. O. Box 346, Foley 36535
- 95 BALDWIN, MOBILE
John M. McMillan, Jr.P. O. Box 253, Stockton 36579
- 96 WASHINGTON, MOBILE
J. Henry McCulleyP. O. Box 45, Wagerlyville 36585
- 97 MOBILE
Robert (Ken) Mobile130 S. Hwy 43, Apt. 3,
Saraland 36571
- 98 MOBILE
Cain J. Kennedy1407 Davis Ave., Mobile 36603

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

99 MOBILE

100 MOBILE

J. Thomas (Tommy) Sandusky2113 Knollwood Dr.,
Mobile 36609

101 MOBILE

H. L. (Sonny) CallahanP. O. Box 1208, Mobile 36601

102 MOBILE

Nat Sonnier2551 Old Shell Rd., Mobile 36607

103 MOBILE

Gary CooperP. O. Box 25, Mobile 36601

104 MOBILE

Douglas I. JohnstoneP. O. Box 1988, Mobile 36601

105 MOBILE

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**LEGAL & CONTRACT INTEREST RATES, BY STATES,
OCTOBER 1, 1969**

| | Legal Rates | Contract Rates |
|---------------------|-------------|----------------|
| | 1969 | 1969 |
| Alabama..... | 6% | 8% |
| Alaska..... | 6 | 10 |
| Arizona..... | 6 | 10(3) |
| Arkansas..... | 6 | 10 |
| California..... | 7 | 10 |
| Colorado..... | 6 | No limit |
| Connecticut..... | 6 | 12 |
| Delaware..... | 6 | 8 |
| Dist. of Col..... | 6 | 8 |
| Florida..... | 6 | 10(1) |
| Georgia..... | 7 | 8 |
| Hawaii..... | 6 | 12 |
| Idaho..... | 6 | 10 |
| Illinois..... | 5 | 8 |
| Indiana..... | 6 | 8 |
| Iowa..... | 5 | 9 |
| Kansas..... | 6 | 10 |
| Kentucky..... | 6 | 7 |
| Louisiana..... | 5 | 8 |
| Maine..... | 6 | No limit |
| Maryland..... | 6 | 8 |
| Massachusetts..... | 6 | No limit |
| Michigan..... | 5 | 7 |
| Minnesota..... | 6 | 8 |
| Mississippi..... | 6 | 8(5) |
| Missouri..... | 6 | 8 |
| Montana..... | 6 | 10 |
| Nebraska..... | 6 | 9 |
| Nevada..... | 7 | 12 |
| New Hampshire..... | 6 | No limit |
| New Jersey..... | 7½ | 7½ |
| New Mexico..... | 6 | 10(2) |
| New York..... | 7½ | 6 |
| North Carolina..... | 6 | 8 |
| North Dakota..... | 4 | 8 |
| Ohio..... | 6 | 8 |
| Oklahoma..... | 6 | 10 |
| Oregon..... | 6 | 10(3) |
| Pennsylvania..... | 6 | 6 |
| Puerto Rico..... | 6 | 10 |
| Rhode Island..... | 6 | 21 |
| South Carolina..... | 6 | 8 |
| South Dakota..... | 6 | 8 |
| Tennessee..... | 6 | 10 |
| Texas..... | 6 | 10 |
| Utah..... | 6% | 10% |
| Vermont..... | 7½ | 7½ |
| Virginia..... | 6 | 8 |

LEGAL & CONTRACT INTEREST RATES, BY STATES,
OCTOBER 1, 1969—Continued

| | Legal Rates 1969 | Contract Rates 1969 |
|--------------------|---------------------|------------------------|
| Washington..... | 6 | 12 |
| West Virginia..... | 6 | 8 |
| Wisconsin..... | 5 | 12 |
| Wyoming..... | 7 | 10 |

- (1) 15% for corporations
- (2) 12% if loans unsecured
- (3) 15% for corporations
- (4) 15% for Corporations, where excess of \$2,500

This table summarizes only the broad, general provisions of state laws setting maximum legal and contract rates of interest, and it does not summarize rates fixed for special types of loans, such as instalment loans and loans under the small loan laws.

The parties to a transaction may agree on a specific rate of interest. The maximum rates that may be agreed upon is usually fixed by law. This is the "contract rate."

If a specific rate is not agreed upon, then the maximum rate that may be taken is the "legal rate," fixed by law in all states.

Interest in excess of the rate permitted by law is usurious. All states provide penalties for taking such interest

Many state statutes provide that the defense of usury is not available to a corporation.

For a more detailed explanation of legal and contract rates of interest and of state and federal usury laws, see **Paton's Digest of Legal Opinions**, Interest and Usury, particularly sections 2:1, 2:2, 21 and 22.

Source: Data prepared by Legal Department, American Bankers Association.

Annuity Table showing the current present cash value of an annuity of one hundred dollars per month, month by month from two to four hundred eighty months at 2%, 2½%, 3%, 3½%, 4%, 4½%, 5%, 5½%, and 6%. As provided in Act No. 456, Approved August 31, 1953.

| Month | 2% | 2½% | 3% | 3½% | 4% | 4½% | 5% | 5½% | 6% |
|-------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 1 | 99.83 | 99.79 | 99.75 | 99.70 | 99.66 | 99.62 | 99.58 | 99.54 | 99.50 |
| 2 | 199.50 | 199.37 | 199.25 | 199.12 | 199.00 | 198.88 | 198.75 | 198.63 | 198.50 |
| 3 | 299.00 | 298.75 | 298.50 | 298.25 | 298.01 | 297.76 | 297.51 | 297.27 | 297.02 |
| 4 | 398.33 | 397.92 | 397.51 | 397.10 | 396.68 | 396.27 | 395.86 | 395.45 | 395.04 |
| 5 | 497.50 | 496.89 | 496.27 | 495.65 | 495.03 | 494.42 | 493.81 | 493.19 | 492.58 |
| 6 | 596.15 | 595.64 | 594.78 | 593.92 | 593.06 | 592.20 | 591.34 | 590.49 | 589.63 |
| 7 | 695.35 | 694.20 | 693.05 | 691.90 | 690.75 | 689.61 | 688.47 | 687.34 | 686.20 |
| 8 | 794.03 | 792.55 | 791.07 | 789.60 | 788.13 | 786.66 | 785.20 | 783.74 | 782.29 |
| 9 | 892.54 | 890.69 | 888.85 | 887.01 | 885.18 | 883.35 | 881.53 | 879.71 | 877.90 |
| 10 | 990.89 | 988.63 | 986.38 | 984.14 | 981.90 | 979.68 | 977.46 | 975.24 | 973.04 |
| 11 | 1,089.07 | 1,086.37 | 1,083.67 | 1,080.99 | 1,078.31 | 1,075.64 | 1,072.98 | 1,070.34 | 1,067.70 |
| 12 | 1,187.10 | 1,183.90 | 1,180.72 | 1,177.55 | 1,174.39 | 1,171.25 | 1,168.12 | 1,165.00 | 1,161.89 |
| 13 | 1,284.95 | 1,281.23 | 1,277.53 | 1,273.84 | 1,270.16 | 1,266.50 | 1,262.86 | 1,259.23 | 1,255.61 |
| 14 | 1,382.65 | 1,378.36 | 1,374.09 | 1,369.84 | 1,365.61 | 1,361.40 | 1,357.20 | 1,353.02 | 1,348.87 |
| 15 | 1,480.18 | 1,475.29 | 1,470.42 | 1,465.57 | 1,460.74 | 1,455.94 | 1,451.15 | 1,446.39 | 1,441.66 |
| 16 | 1,577.55 | 1,572.01 | 1,566.50 | 1,561.01 | 1,555.55 | 1,550.12 | 1,544.72 | 1,539.34 | 1,533.99 |
| 17 | 1,674.76 | 1,668.54 | 1,662.34 | 1,656.18 | 1,650.05 | 1,643.96 | 1,637.89 | 1,631.86 | 1,625.86 |
| 18 | 1,771.18 | 1,764.86 | 1,757.95 | 1,751.08 | 1,744.24 | 1,737.44 | 1,730.68 | 1,723.96 | 1,717.27 |
| 19 | 1,868.69 | 1,861.98 | 1,855.32 | 1,848.69 | 1,842.11 | 1,835.58 | 1,829.09 | 1,815.64 | 1,808.23 |
| 20 | 1,965.42 | 1,956.91 | 1,948.44 | 1,940.03 | 1,931.67 | 1,923.36 | 1,915.11 | 1,906.90 | 1,898.74 |
| 21 | 2,061.98 | 2,052.63 | 2,043.34 | 2,034.10 | 2,024.92 | 2,015.81 | 2,006.74 | 1,997.74 | 1,988.79 |
| 22 | 2,158.38 | 2,148.15 | 2,137.99 | 2,127.89 | 2,117.86 | 2,107.90 | 2,098.00 | 2,088.17 | 2,078.40 |
| 23 | 2,254.63 | 2,243.48 | 2,232.41 | 2,221.42 | 2,210.50 | 2,199.65 | 2,188.88 | 2,178.19 | 2,167.56 |
| 24 | 2,350.71 | 2,338.61 | 2,326.59 | 2,314.66 | 2,302.82 | 2,291.06 | 2,279.38 | 2,267.79 | 2,256.28 |
| 25 | 2,446.63 | 2,433.54 | 2,420.54 | 2,407.64 | 2,394.84 | 2,382.13 | 2,369.51 | 2,356.99 | 2,344.56 |
| 26 | 2,542.39 | 2,528.27 | 2,514.26 | 2,500.35 | 2,486.55 | 2,472.85 | 2,459.26 | 2,445.78 | 2,432.40 |
| 27 | 2,638.00 | 2,622.81 | 2,592.74 | 2,592.79 | 2,577.96 | 2,563.24 | 2,548.65 | 2,534.16 | 2,519.80 |
| 28 | 2,733.44 | 2,717.15 | 2,700.98 | 2,684.96 | 2,669.06 | 2,653.29 | 2,637.66 | 2,622.15 | 2,606.76 |
| 29 | 2,828.73 | 2,811.29 | 2,794.00 | 2,776.86 | 2,759.86 | 2,743.01 | 2,726.30 | 2,709.73 | 2,693.30 |
| 30 | 2,923.85 | 2,905.24 | 2,886.78 | 2,868.49 | 2,850.36 | 2,832.38 | 2,814.57 | 2,796.91 | 2,779.40 |

ANNUITY TABLE, Continued

| Month | 2% | 2½% | 3% | 3½% | 4% | 4½% | 5% | 5½% | 6% |
|-------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 31 | 3,018.82 | 2,998.99 | 2,979.33 | 2,959.86 | 2,940.56 | 2,921.43 | 2,902.47 | 2,883.69 | 2,865.08 |
| 32 | 3,113.63 | 3,092.55 | 3,071.65 | 3,050.96 | 3,030.45 | 3,010.14 | 2,990.02 | 2,970.08 | 2,950.32 |
| 33 | 3,208.29 | 3,185.91 | 3,163.75 | 3,141.79 | 3,120.05 | 3,098.52 | 3,077.19 | 3,056.07 | 3,035.15 |
| 34 | 3,302.78 | 3,279.08 | 3,255.61 | 3,232.37 | 3,209.36 | 3,186.57 | 3,164.01 | 3,141.67 | 3,119.55 |
| 35 | 3,397.12 | 3,372.05 | 3,347.24 | 3,322.68 | 3,298.36 | 3,274.29 | 3,250.47 | 3,226.88 | 3,203.53 |
| 36 | 3,491.30 | 3,464.83 | 3,438.64 | 3,412.72 | 3,387.07 | 3,361.69 | 3,336.57 | 3,311.70 | 3,287.10 |
| 37 | 3,585.33 | 3,557.42 | 3,529.82 | 3,502.51 | 3,475.49 | 3,448.75 | 3,422.31 | 3,396.14 | 3,370.25 |
| 38 | 3,679.19 | 3,649.82 | 3,620.77 | 3,592.03 | 3,563.61 | 3,535.50 | 3,507.69 | 3,480.19 | 3,452.98 |
| 39 | 3,772.91 | 3,742.02 | 3,711.49 | 3,681.29 | 3,651.44 | 3,621.91 | 3,592.72 | 3,563.85 | 3,535.30 |
| 40 | 3,866.46 | 3,834.03 | 3,801.98 | 3,770.30 | 3,738.97 | 3,708.01 | 3,677.40 | 3,647.14 | 3,617.22 |
| 41 | 3,959.86 | 3,925.86 | 3,892.25 | 3,859.04 | 3,826.22 | 3,793.78 | 3,761.72 | 3,730.04 | 3,698.72 |
| 42 | 4,053.11 | 4,017.49 | 3,982.29 | 3,947.53 | 3,913.18 | 3,879.24 | 3,845.70 | 3,812.57 | 3,779.83 |
| 43 | 4,146.20 | 4,108.93 | 4,072.11 | 4,035.76 | 3,999.84 | 3,964.37 | 3,929.33 | 3,894.71 | 3,860.52 |
| 44 | 4,239.13 | 4,200.18 | 4,161.71 | 4,123.73 | 4,086.22 | 4,049.18 | 4,012.61 | 3,976.49 | 3,940.82 |
| 45 | 4,331.91 | 4,291.24 | 4,251.08 | 4,211.44 | 4,172.31 | 4,133.68 | 4,095.54 | 4,057.89 | 4,020.71 |
| 46 | 4,424.54 | 4,382.11 | 4,340.23 | 4,298.91 | 4,258.12 | 4,217.87 | 4,178.14 | 4,138.92 | 4,100.21 |
| 47 | 4,517.01 | 4,472.79 | 4,429.16 | 4,386.11 | 4,343.64 | 4,301.73 | 4,260.38 | 4,219.58 | 4,179.32 |
| 48 | 4,609.33 | 4,563.28 | 4,517.86 | 4,473.07 | 4,428.88 | 4,385.29 | 4,342.29 | 4,299.87 | 4,258.03 |
| 49 | 4,701.49 | 4,653.59 | 4,606.35 | 4,559.77 | 4,513.83 | 4,468.53 | 4,423.86 | 4,379.80 | 4,336.35 |
| 50 | 4,793.50 | 4,743.70 | 4,694.61 | 4,646.22 | 4,598.50 | 4,551.46 | 4,505.09 | 4,459.36 | 4,414.27 |
| 51 | 4,885.36 | 4,833.63 | 4,782.66 | 4,732.41 | 4,682.89 | 4,634.09 | 4,585.98 | 4,538.56 | 4,491.81 |
| 52 | 4,977.06 | 4,923.38 | 4,870.48 | 4,818.36 | 4,767.00 | 4,716.40 | 4,666.53 | 4,617.40 | 4,568.97 |
| 53 | 5,068.62 | 5,012.93 | 4,958.08 | 4,904.06 | 4,850.83 | 4,798.41 | 4,746.76 | 4,695.87 | 4,645.74 |
| 54 | 5,160.02 | 5,102.30 | 5,045.47 | 4,989.50 | 4,934.39 | 4,880.11 | 4,826.65 | 4,773.99 | 4,722.13 |
| 55 | 5,251.26 | 5,191.49 | 5,132.64 | 5,074.70 | 5,017.66 | 4,961.50 | 4,906.20 | 4,851.75 | 4,798.14 |
| 56 | 5,342.36 | 5,280.49 | 5,219.59 | 5,159.65 | 5,100.66 | 5,042.59 | 4,985.43 | 4,929.16 | 4,873.77 |
| 57 | 5,433.30 | 5,369.30 | 5,306.32 | 5,244.36 | 5,183.38 | 5,123.38 | 5,064.33 | 5,006.22 | 4,949.03 |
| 58 | 5,524.10 | 5,457.93 | 5,392.84 | 5,328.81 | 5,265.83 | 5,203.86 | 5,142.90 | 5,082.92 | 5,023.91 |
| 59 | 5,614.74 | 5,546.37 | 5,479.14 | 5,413.03 | 5,348.00 | 5,284.05 | 5,221.15 | 5,159.27 | 5,098.41 |
| 60 | 5,705.23 | 5,634.64 | 5,565.23 | 5,496.99 | 5,429.90 | 5,363.93 | 5,299.07 | 5,235.28 | 5,172.55 |
| 61 | 5,795.57 | 5,722.71 | 5,651.10 | 5,580.72 | 5,511.53 | 5,443.52 | 5,376.66 | 5,310.94 | 5,246.32 |
| 62 | 5,885.76 | 5,810.61 | 5,736.76 | 5,664.20 | 5,592.89 | 5,522.81 | 5,453.94 | 5,386.25 | 5,319.72 |
| 63 | 5,975.80 | 5,898.32 | 5,822.21 | 5,747.43 | 5,673.97 | 5,601.80 | 5,530.89 | 5,461.22 | 5,392.76 |
| 64 | 6,065.69 | 5,985.85 | 5,907.44 | 5,830.43 | 5,754.79 | 5,680.50 | 5,607.53 | 5,535.85 | 5,465.43 |
| 65 | 6,155.43 | 6,073.20 | 5,992.46 | 5,913.18 | 5,835.34 | 5,758.90 | 5,683.85 | 5,610.13 | 5,537.74 |

| | | | | | | | | | |
|----|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 66 | 6,245.03 | 6,160.36 | 6,077.26 | 5,995.69 | 5,915.62 | 5,837.02 | 5,759.85 | 5,684.08 | 5,609.89 |
| 67 | 6,334.47 | 6,247.35 | 6,161.86 | 6,077.97 | 5,995.64 | 5,914.84 | 5,835.53 | 5,757.69 | 5,681.29 |
| 68 | 6,423.76 | 6,334.15 | 6,246.24 | 6,160.00 | 6,075.38 | 5,992.36 | 5,910.90 | 5,830.97 | 5,752.52 |
| 69 | 6,512.91 | 6,420.77 | 6,330.42 | 6,241.79 | 6,154.87 | 6,069.60 | 5,985.96 | 5,903.91 | 5,823.41 |
| 70 | 6,601.90 | 6,507.22 | 6,414.38 | 6,323.35 | 6,234.09 | 6,146.55 | 6,060.71 | 5,976.51 | 5,893.94 |
| 71 | 6,690.75 | 6,593.48 | 6,498.14 | 6,404.67 | 6,313.04 | 6,223.22 | 6,135.14 | 6,048.79 | 5,964.12 |
| 72 | 6,779.45 | 6,679.57 | 6,585.68 | 6,485.75 | 6,391.74 | 6,299.59 | 6,209.27 | 6,120.74 | 6,033.95 |
| 73 | 6,868.01 | 6,765.47 | 6,665.02 | 6,566.60 | 6,470.17 | 6,375.68 | 6,283.09 | 6,192.36 | 6,103.43 |
| 74 | 6,956.14 | 6,851.20 | 6,748.15 | 6,647.21 | 6,548.34 | 6,451.49 | 6,356.61 | 6,263.65 | 6,172.57 |
| 75 | 7,044.67 | 6,936.75 | 6,831.07 | 6,727.59 | 6,626.26 | 6,527.01 | 6,429.82 | 6,334.61 | 6,241.36 |
| 76 | 7,132.78 | 7,022.12 | 6,913.79 | 6,807.74 | 6,703.91 | 6,602.26 | 6,502.72 | 6,405.26 | 6,309.81 |
| 77 | 7,220.75 | 7,107.31 | 6,996.29 | 6,887.65 | 6,781.31 | 6,677.22 | 6,575.32 | 6,475.58 | 6,377.92 |
| 78 | 7,308.57 | 7,192.33 | 7,078.60 | 6,967.32 | 6,858.44 | 6,751.90 | 6,647.63 | 6,545.58 | 6,445.69 |
| 79 | 7,396.24 | 7,277.16 | 7,160.70 | 7,046.77 | 6,935.33 | 6,826.30 | 6,719.63 | 6,615.26 | 6,513.13 |
| 80 | 7,483.77 | 7,361.83 | 7,242.59 | 7,125.99 | 7,011.95 | 6,900.42 | 6,791.33 | 6,684.62 | 6,580.23 |
| 81 | 7,571.15 | 7,446.31 | 7,324.28 | 7,204.97 | 7,088.33 | 6,974.27 | 6,862.74 | 6,753.66 | 6,646.99 |
| 82 | 7,658.38 | 7,530.63 | 7,405.77 | 7,283.73 | 7,164.44 | 7,047.84 | 6,933.84 | 6,822.39 | 6,713.42 |
| 83 | 7,745.48 | 7,614.76 | 7,487.05 | 7,362.26 | 7,240.31 | 7,121.13 | 7,004.66 | 6,890.81 | 6,779.53 |
| 84 | 7,832.42 | 7,698.72 | 7,568.13 | 7,440.55 | 7,315.92 | 7,194.16 | 7,075.18 | 6,958.92 | 6,845.30 |
| 85 | 7,919.22 | 7,782.51 | 7,649.00 | 7,518.62 | 7,391.29 | 7,266.91 | 7,145.41 | 7,026.71 | 6,910.75 |
| 86 | 8,005.88 | 7,866.12 | 7,729.68 | 7,596.47 | 7,466.40 | 7,339.38 | 7,215.34 | 7,094.20 | 6,975.87 |
| 87 | 8,092.39 | 7,949.56 | 7,810.15 | 7,674.09 | 7,541.26 | 7,411.59 | 7,284.99 | 7,161.37 | 7,040.66 |
| 88 | 8,178.76 | 8,032.82 | 7,890.43 | 7,751.48 | 7,615.87 | 7,483.53 | 7,354.34 | 7,228.24 | 7,105.14 |
| 89 | 8,264.99 | 8,115.92 | 7,970.50 | 7,828.64 | 7,690.24 | 7,555.19 | 7,423.41 | 7,294.81 | 7,169.29 |
| 90 | 8,351.07 | 8,198.84 | 8,050.38 | 7,905.59 | 7,764.36 | 7,626.59 | 7,492.20 | 7,361.07 | 7,233.13 |
| 91 | 8,437.01 | 8,281.58 | 8,130.05 | 7,982.30 | 7,838.23 | 7,697.73 | 7,560.69 | 7,427.03 | 7,296.64 |
| 92 | 8,522.80 | 8,364.16 | 8,209.53 | 8,058.80 | 7,911.86 | 7,768.60 | 7,628.91 | 7,492.69 | 7,359.84 |
| 93 | 8,608.45 | 8,446.56 | 8,288.81 | 8,135.07 | 7,985.24 | 7,839.20 | 7,696.84 | 7,558.05 | 7,422.73 |
| 94 | 8,693.96 | 8,528.99 | 8,367.89 | 8,211.12 | 8,058.38 | 7,909.54 | 7,764.48 | 7,623.11 | 7,485.30 |
| 95 | 8,779.33 | 8,610.85 | 8,446.77 | 8,286.95 | 8,131.27 | 7,979.61 | 7,831.85 | 7,687.87 | 7,547.56 |
| 96 | 8,864.56 | 8,692.74 | 8,525.46 | 8,362.56 | 8,203.93 | 8,049.43 | 7,898.94 | 7,752.34 | 7,609.52 |
| 97 | 8,949.64 | 8,774.46 | 8,603.95 | 8,437.95 | 8,276.34 | 8,118.98 | 7,965.75 | 7,816.51 | 7,671.16 |
| 98 | 9,034.58 | 8,856.01 | 8,682.24 | 8,513.12 | 8,348.51 | 8,188.28 | 8,032.28 | 7,880.40 | 7,732.50 |

ANNUITY TABLE, Continued

| Month | 2% | 2½% | 3% | 3½% | 4% | 4½% | 5% | 5½% | 6% |
|-------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|----------|----------|
| 99 | 9,119.38 | 8,937.39 | 8,760.34 | 8,588.07 | 8,420.44 | 8,257.31 | 8,098.54 | 7,943.99 | 7,793.53 |
| 100 | 9,204.04 | 9,018.60 | 8,838.24 | 8,662.81 | 8,492.14 | 8,326.09 | 8,164.52 | 8,007.29 | 7,854.26 |
| 101 | 9,288.56 | 9,099.65 | 8,915.95 | 8,737.32 | 8,563.59 | 8,394.61 | 8,230.23 | 8,070.30 | 7,914.69 |
| 102 | 9,372.94 | 9,180.52 | 8,993.47 | 8,811.62 | 8,634.81 | 8,462.87 | 8,295.66 | 8,133.02 | 7,974.81 |
| 103 | 9,457.18 | 9,261.23 | 9,070.79 | 8,885.70 | 8,705.79 | 8,530.88 | 8,360.82 | 8,195.46 | 8,034.64 |
| 104 | 9,541.28 | 9,341.76 | 9,147.92 | 8,959.57 | 8,776.53 | 8,598.64 | 8,425.72 | 8,257.61 | 8,094.17 |
| 105 | 9,625.24 | 9,422.13 | 9,224.86 | 9,033.23 | 8,847.04 | 8,666.14 | 8,490.34 | 8,319.48 | 8,153.40 |
| 106 | 9,709.05 | 9,502.34 | 9,301.61 | 9,106.66 | 8,917.32 | 8,733.39 | 8,554.69 | 8,381.07 | 8,212.34 |
| 107 | 9,792.73 | 9,582.37 | 9,378.16 | 9,179.89 | 8,987.36 | 8,800.39 | 8,618.78 | 8,442.37 | 8,270.98 |
| 108 | 9,876.27 | 9,662.24 | 9,454.53 | 9,252.90 | 9,057.17 | 8,867.14 | 8,682.61 | 8,503.40 | 8,329.34 |
| 109 | 9,959.67 | 9,741.95 | 9,530.70 | 9,325.70 | 9,126.75 | 8,933.63 | 8,746.16 | 8,564.15 | 8,387.40 |
| 110 | 10,042.94 | 9,821.49 | 9,606.68 | 9,398.29 | 9,196.10 | 8,999.88 | 8,809.46 | 8,624.62 | 8,445.17 |
| 111 | 10,126.06 | 9,900.86 | 9,682.48 | 9,470.67 | 9,265.21 | 9,065.89 | 8,872.49 | 8,684.81 | 8,502.66 |
| 112 | 10,209.04 | 9,980.07 | 9,758.08 | 9,542.83 | 9,334.10 | 9,131.64 | 8,935.26 | 8,744.73 | 8,559.86 |
| 113 | 10,291.89 | 10,059.11 | 9,833.50 | 9,614.79 | 9,402.75 | 9,197.15 | 8,997.77 | 8,804.38 | 8,616.78 |
| 114 | 10,374.60 | 10,137.99 | 9,908.72 | 9,686.54 | 9,471.18 | 9,262.42 | 9,060.02 | 8,863.75 | 8,673.41 |
| 115 | 10,457.17 | 10,216.71 | 9,983.77 | 9,758.08 | 9,539.39 | 9,327.44 | 9,122.01 | 8,922.86 | 8,729.76 |
| 116 | 10,539.60 | 10,295.26 | 10,058.62 | 9,829.41 | 9,607.36 | 9,392.22 | 9,183.74 | 8,981.69 | 8,785.83 |
| 117 | 10,621.90 | 10,373.65 | 10,133.29 | 9,900.53 | 9,675.11 | 9,456.76 | 9,245.22 | 9,040.26 | 8,841.62 |
| 118 | 10,704.06 | 10,451.87 | 10,207.77 | 9,971.45 | 9,742.64 | 9,521.06 | 9,306.44 | 9,098.55 | 8,897.14 |
| 119 | 10,786.08 | 10,529.93 | 10,282.06 | 10,042.16 | 9,809.94 | 9,585.11 | 9,367.41 | 9,156.59 | 8,952.38 |
| 120 | 10,867.97 | 10,607.83 | 10,356.17 | 10,112.66 | 9,877.01 | 9,648.93 | 9,428.13 | 9,214.35 | 9,007.34 |
| 121 | 10,949.72 | 10,685.57 | 10,430.10 | 10,182.96 | 9,943.87 | 9,712.51 | 9,488.59 | 9,271.86 | 9,062.03 |
| 122 | 11,031.34 | 10,763.15 | 10,503.84 | 10,253.06 | 10,010.50 | 9,775.85 | 9,548.81 | 9,329.10 | 9,116.45 |
| 123 | 11,112.81 | 10,840.57 | 10,577.39 | 10,322.95 | 10,076.91 | 9,838.95 | 9,608.77 | 9,386.08 | 9,170.59 |
| 124 | 11,194.16 | 10,917.82 | 10,650.77 | 10,392.64 | 10,143.10 | 9,901.82 | 9,668.49 | 9,442.80 | 9,224.47 |
| 125 | 11,275.37 | 10,994.91 | 10,723.96 | 10,462.12 | 10,209.07 | 9,964.45 | 9,727.95 | 9,499.26 | 9,278.08 |
| 126 | 11,356.44 | 11,071.85 | 10,796.96 | 10,531.41 | 10,274.82 | 10,026.85 | 9,787.17 | 9,555.47 | 9,331.42 |
| 127 | 11,437.38 | 11,148.62 | 10,869.79 | 10,600.40 | 10,340.35 | 10,089.02 | 9,846.15 | 9,611.41 | 9,384.50 |
| 128 | 11,518.18 | 11,225.24 | 10,942.43 | 10,669.37 | 10,405.66 | 10,150.95 | 9,904.88 | 9,667.11 | 9,437.32 |
| 129 | 11,598.85 | 11,301.69 | 11,014.89 | 10,738.05 | 10,470.76 | 10,212.65 | 9,963.36 | 9,722.54 | 9,489.87 |
| 130 | 11,679.38 | 11,377.99 | 11,087.18 | 10,806.53 | 10,535.64 | 10,274.13 | 10,021.61 | 9,777.73 | 9,542.16 |
| 131 | 11,759.78 | 11,454.12 | 11,159.28 | 10,874.81 | 10,600.31 | 10,335.37 | 10,079.61 | 9,832.66 | 9,594.18 |
| 132 | 11,840.05 | 11,530.10 | 11,231.20 | 10,942.90 | 10,664.76 | 10,396.38 | 10,137.37 | 9,887.35 | 9,645.95 |
| 133 | 11,920.18 | 11,605.92 | 11,302.94 | 11,010.78 | 10,729.00 | 10,457.17 | 10,194.89 | 9,941.78 | 9,697.47 |

| | | | | | | | | | |
|-----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 134 | 12,000.18 | 11,681.59 | 11,374.51 | 11,078.47 | 10,793.02 | 10,517.73 | 10,252.17 | 9,995.96 | 9,748.72 |
| 135 | 12,080.05 | 11,757.09 | 11,445.89 | 11,145.96 | 10,856.83 | 10,578.06 | 10,309.22 | 10,049.90 | 9,799.73 |
| 136 | 12,159.78 | 11,832.44 | 11,517.10 | 11,213.25 | 10,920.43 | 10,638.16 | 10,366.03 | 10,103.59 | 9,850.47 |
| 137 | 12,239.38 | 11,907.63 | 11,588.13 | 11,280.35 | 10,983.82 | 10,698.05 | 10,422.60 | 10,157.04 | 9,900.97 |
| 138 | 12,318.85 | 11,982.67 | 11,658.98 | 11,347.26 | 11,046.99 | 10,757.71 | 10,478.94 | 10,210.24 | 9,951.12 |
| 139 | 12,398.19 | 12,057.55 | 11,729.66 | 11,413.97 | 11,109.96 | 10,817.14 | 10,535.04 | 10,263.20 | 10,001.21 |
| 140 | 12,477.39 | 12,132.27 | 11,800.16 | 11,480.48 | 11,172.92 | 10,876.35 | 10,590.91 | 10,315.92 | 10,050.95 |
| 141 | 12,556.46 | 12,206.84 | 11,870.48 | 11,546.80 | 11,235.27 | 10,935.35 | 10,646.55 | 10,368.40 | 10,100.45 |
| 142 | 12,635.41 | 12,281.26 | 11,940.63 | 11,612.93 | 11,297.61 | 10,994.12 | 10,701.96 | 10,420.64 | 10,149.70 |
| 143 | 12,714.21 | 12,355.52 | 12,010.60 | 11,678.87 | 11,359.74 | 11,052.67 | 10,757.14 | 10,472.64 | 10,198.71 |
| 144 | 12,792.89 | 12,429.62 | 12,080.40 | 11,744.61 | 11,421.67 | 11,111.01 | 10,812.09 | 10,524.40 | 10,247.47 |
| 145 | 12,871.44 | 12,503.57 | 12,150.03 | 11,810.17 | 11,483.39 | 11,169.12 | 10,866.81 | 10,575.93 | 10,295.99 |
| 146 | 12,949.86 | 12,577.37 | 12,219.48 | 11,875.53 | 11,544.91 | 11,227.02 | 10,921.30 | 10,627.22 | 10,344.27 |
| 147 | 13,028.14 | 12,651.01 | 12,288.76 | 11,940.70 | 11,606.22 | 11,284.70 | 10,975.57 | 10,678.28 | 10,392.31 |
| 148 | 13,106.30 | 12,724.50 | 12,357.86 | 12,005.69 | 11,667.33 | 11,342.17 | 11,029.61 | 10,729.11 | 10,440.11 |
| 149 | 13,184.33 | 12,797.84 | 12,426.79 | 12,070.48 | 11,728.24 | 11,399.42 | 11,083.43 | 10,779.70 | 10,487.67 |
| 150 | 13,262.22 | 12,871.03 | 12,495.56 | 12,135.09 | 11,788.94 | 11,456.46 | 11,137.03 | 10,830.06 | 10,534.99 |
| 151 | 13,339.94 | 12,944.06 | 12,564.15 | 12,199.51 | 11,849.44 | 11,513.28 | 11,190.40 | 10,880.19 | 10,582.08 |
| 152 | 13,417.63 | 13,016.94 | 12,632.56 | 12,263.74 | 11,909.74 | 11,569.90 | 11,243.55 | 10,930.10 | 10,628.94 |
| 153 | 13,495.13 | 13,089.67 | 12,700.81 | 12,327.78 | 11,969.84 | 11,626.30 | 11,296.49 | 10,979.77 | 10,675.56 |
| 154 | 13,572.51 | 13,162.25 | 12,768.89 | 12,391.64 | 12,029.74 | 11,682.49 | 11,349.20 | 11,029.22 | 10,721.95 |
| 155 | 13,649.76 | 13,234.68 | 12,836.80 | 12,455.31 | 12,089.45 | 11,738.47 | 11,401.69 | 11,078.45 | 10,768.11 |
| 156 | 13,726.89 | 13,306.96 | 12,904.54 | 12,518.80 | 12,148.95 | 11,794.24 | 11,453.97 | 11,127.44 | 10,814.04 |
| 157 | 13,803.88 | 13,379.08 | 12,972.11 | 12,582.10 | 12,203.25 | 11,849.80 | 11,506.02 | 11,176.22 | 10,859.74 |
| 158 | 13,880.75 | 13,451.06 | 13,039.51 | 12,645.22 | 12,267.36 | 11,905.16 | 11,557.87 | 11,224.77 | 10,905.21 |
| 159 | 13,957.48 | 13,522.89 | 13,106.74 | 12,708.15 | 12,326.28 | 11,960.31 | 11,609.49 | 11,273.11 | 10,950.46 |
| 160 | 14,034.09 | 13,594.56 | 13,173.81 | 12,770.90 | 12,384.99 | 12,015.25 | 11,660.91 | 11,321.22 | 10,995.48 |
| 161 | 14,110.57 | 13,666.09 | 13,240.70 | 12,833.47 | 12,443.51 | 12,069.99 | 11,712.11 | 11,369.11 | 11,040.28 |
| 162 | 14,186.93 | 13,737.47 | 13,307.44 | 12,895.86 | 12,501.84 | 12,124.52 | 11,763.09 | 11,416.78 | 11,084.86 |
| 163 | 14,263.16 | 13,808.71 | 13,374.00 | 12,958.07 | 12,559.97 | 12,178.85 | 11,813.87 | 11,464.24 | 11,129.21 |
| 164 | 14,339.26 | 13,879.79 | 13,440.40 | 13,020.09 | 12,617.91 | 12,232.98 | 11,864.43 | 11,511.48 | 11,173.35 |
| 165 | 14,415.23 | 13,950.73 | 13,506.63 | 13,081.93 | 12,675.66 | 12,286.90 | 11,914.79 | 11,558.50 | 11,217.26 |

ANNUITY TABLE, Continued

| Month | 2% | 2½% | 3% | 3½% | 4% | 4½% | 5% | 5½% | 6% |
|-------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 166 | 14,491.08 | 14,021.51 | 13,572.70 | 13,143.60 | 12,733.22 | 12,340.63 | 11,984.93 | 11,605.31 | 11,260.95 |
| 167 | 14,566.80 | 14,092.16 | 13,638.60 | 13,205.08 | 12,790.58 | 12,394.15 | 12,014.87 | 11,651.90 | 11,304.43 |
| 168 | 14,642.40 | 14,162.65 | 13,704.34 | 13,266.39 | 12,847.76 | 12,447.47 | 12,064.60 | 11,698.29 | 11,347.69 |
| 169 | 14,717.87 | 14,233.00 | 13,769.92 | 13,327.52 | 12,904.74 | 12,500.59 | 12,114.13 | 11,744.46 | 11,390.74 |
| 170 | 14,793.21 | 14,303.20 | 13,835.33 | 13,388.47 | 12,961.54 | 12,553.52 | 12,163.45 | 11,790.42 | 11,433.57 |
| 171 | 14,868.43 | 14,373.25 | 13,900.58 | 13,449.24 | 13,018.14 | 12,606.24 | 12,212.56 | 11,836.17 | 11,476.19 |
| 172 | 14,943.53 | 14,443.16 | 13,965.66 | 13,509.84 | 13,074.56 | 12,658.77 | 12,261.47 | 11,881.71 | 11,518.60 |
| 173 | 15,018.50 | 14,512.93 | 14,030.59 | 13,570.26 | 13,130.79 | 12,711.11 | 12,310.18 | 11,927.05 | 11,560.79 |
| 174 | 15,093.34 | 14,582.55 | 14,095.35 | 13,630.50 | 13,186.84 | 12,763.24 | 12,358.68 | 11,972.17 | 11,602.78 |
| 175 | 15,168.06 | 14,652.02 | 14,159.95 | 13,690.57 | 13,242.69 | 12,815.19 | 12,406.99 | 12,017.09 | 11,644.56 |
| 176 | 15,242.66 | 14,721.35 | 14,224.39 | 13,750.47 | 13,298.36 | 12,866.94 | 12,455.09 | 12,061.81 | 11,686.13 |
| 177 | 15,317.13 | 14,790.54 | 14,288.67 | 13,810.19 | 13,353.85 | 12,918.49 | 12,503.00 | 12,106.32 | 11,727.49 |
| 178 | 15,391.48 | 14,859.58 | 14,352.79 | 13,869.73 | 13,409.15 | 12,969.85 | 12,550.70 | 12,150.63 | 11,768.65 |
| 179 | 15,465.70 | 14,928.48 | 14,416.74 | 13,929.11 | 13,464.27 | 13,021.03 | 12,598.21 | 12,194.74 | 11,809.60 |
| 180 | 15,539.80 | 14,997.24 | 14,480.54 | 13,988.31 | 13,519.21 | 13,072.01 | 12,645.52 | 12,238.65 | 11,850.35 |
| 181 | 15,613.78 | 15,065.85 | 14,544.18 | 14,047.34 | 13,573.96 | 13,122.79 | 12,692.63 | 12,282.35 | 11,890.89 |
| 182 | 15,687.63 | 15,134.32 | 14,607.66 | 14,106.19 | 13,628.53 | 13,173.39 | 12,739.55 | 12,325.86 | 11,931.24 |
| 183 | 15,761.36 | 15,202.65 | 14,670.99 | 14,164.88 | 13,682.93 | 13,223.81 | 12,786.28 | 12,369.17 | 11,971.38 |
| 184 | 15,834.97 | 15,270.83 | 14,734.15 | 14,223.39 | 13,737.13 | 13,274.03 | 12,832.81 | 12,412.28 | 12,011.32 |
| 185 | 15,908.46 | 15,338.88 | 14,797.16 | 14,281.74 | 13,791.16 | 13,324.06 | 12,879.14 | 12,455.19 | 12,051.07 |
| 186 | 15,981.82 | 15,406.78 | 14,860.01 | 14,339.91 | 13,845.01 | 13,373.91 | 12,925.29 | 12,497.91 | 12,090.61 |
| 187 | 16,055.06 | 15,474.54 | 14,922.70 | 14,397.92 | 13,898.69 | 13,423.57 | 12,971.24 | 12,540.43 | 12,129.96 |
| 188 | 16,128.18 | 15,542.16 | 14,985.24 | 14,455.76 | 13,952.18 | 13,473.05 | 13,017.00 | 12,582.76 | 12,169.12 |
| 189 | 16,201.18 | 15,609.64 | 15,047.62 | 14,513.43 | 14,005.49 | 13,522.34 | 13,062.58 | 12,624.90 | 12,208.08 |
| 190 | 16,274.06 | 15,676.98 | 15,109.84 | 14,570.93 | 14,058.63 | 13,571.45 | 13,107.96 | 12,666.84 | 12,246.84 |
| 191 | 16,346.81 | 15,744.18 | 15,171.91 | 14,628.26 | 14,111.59 | 13,620.37 | 13,153.15 | 12,708.59 | 12,285.42 |
| 192 | 16,419.45 | 15,811.24 | 15,233.83 | 14,685.43 | 14,164.38 | 13,669.11 | 13,198.16 | 12,750.15 | 12,323.80 |
| 193 | 16,491.96 | 15,878.16 | 15,295.59 | 14,742.43 | 14,216.99 | 13,717.67 | 13,242.98 | 12,791.53 | 12,361.99 |
| 194 | 16,564.35 | 15,944.35 | 15,357.20 | 14,799.27 | 14,269.42 | 13,766.05 | 13,287.62 | 12,832.71 | 12,399.99 |
| 195 | 16,636.62 | 16,011.59 | 15,418.65 | 14,855.94 | 14,321.68 | 13,814.24 | 13,332.07 | 12,873.71 | 12,437.80 |
| 196 | 16,708.78 | 16,078.09 | 15,479.95 | 14,912.44 | 14,373.77 | 13,862.26 | 13,376.33 | 12,914.51 | 12,475.42 |
| 197 | 16,780.81 | 16,144.46 | 15,541.10 | 14,968.78 | 14,425.69 | 13,910.10 | 13,420.41 | 12,955.14 | 12,512.86 |
| 198 | 16,852.72 | 16,210.68 | 15,602.09 | 15,024.96 | 14,477.43 | 13,957.76 | 13,464.31 | 12,995.57 | 12,550.11 |
| 199 | 16,924.51 | 16,276.77 | 15,662.93 | 15,080.97 | 14,529.00 | 14,005.24 | 13,508.03 | 13,035.83 | 12,587.17 |
| 200 | 16,996.19 | 16,342.73 | 15,723.63 | 15,136.82 | 14,580.40 | 14,052.54 | 13,551.56 | 13,075.89 | 12,624.05 |

| | | | | | | | | | |
|-----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 201 | 17,067.74 | 16,408.54 | 15,784.17 | 15,192.51 | 14,631.62 | 14,099.66 | 13,594.92 | 13,115.78 | 12,660.75 |
| 202 | 17,139.17 | 16,474.22 | 15,844.55 | 15,248.04 | 14,682.68 | 14,146.61 | 13,638.09 | 13,155.48 | 12,697.26 |
| 203 | 17,210.49 | 16,539.76 | 15,904.79 | 15,303.40 | 14,733.57 | 14,193.39 | 13,681.09 | 13,195.01 | 12,733.59 |
| 204 | 17,281.69 | 16,605.17 | 15,964.88 | 15,358.61 | 14,784.29 | 14,239.99 | 13,723.91 | 13,234.35 | 12,769.74 |
| 205 | 17,352.77 | 16,670.44 | 16,024.82 | 15,413.65 | 14,834.84 | 14,286.42 | 13,766.55 | 13,273.51 | 12,805.72 |
| 206 | 17,423.73 | 16,735.57 | 16,084.61 | 15,468.54 | 14,885.22 | 14,332.67 | 13,809.01 | 13,312.50 | 12,841.51 |
| 207 | 17,494.57 | 16,800.57 | 16,144.25 | 15,523.26 | 14,935.44 | 14,378.75 | 13,851.29 | 13,351.30 | 12,877.12 |
| 208 | 17,565.29 | 16,865.44 | 16,203.74 | 15,577.82 | 14,985.49 | 14,424.66 | 13,893.40 | 13,389.93 | 12,912.56 |
| 209 | 17,635.90 | 16,930.16 | 16,263.08 | 15,632.23 | 15,035.37 | 14,470.39 | 13,935.34 | 13,428.39 | 12,947.82 |
| 210 | 17,706.39 | 16,994.76 | 16,322.27 | 15,686.48 | 15,085.08 | 14,515.96 | 13,977.10 | 13,466.66 | 12,982.91 |
| 211 | 17,776.76 | 17,059.22 | 16,381.32 | 15,740.57 | 15,134.64 | 14,561.35 | 14,018.69 | 13,504.77 | 13,017.82 |
| 212 | 17,847.02 | 17,123.54 | 16,440.22 | 15,794.50 | 15,184.02 | 14,606.58 | 14,060.11 | 13,542.70 | 13,052.55 |
| 213 | 17,917.15 | 17,187.74 | 16,498.97 | 15,848.28 | 15,233.24 | 14,651.63 | 14,101.35 | 13,580.45 | 13,087.12 |
| 214 | 17,987.18 | 17,215.18 | 16,557.58 | 15,901.90 | 15,282.30 | 14,696.52 | 14,142.43 | 13,618.04 | 13,121.51 |
| 215 | 18,057.08 | 17,315.72 | 16,616.04 | 15,955.36 | 15,331.20 | 14,741.24 | 14,183.33 | 13,655.45 | 13,155.73 |
| 216 | 18,126.87 | 17,379.51 | 16,674.35 | 16,003.67 | 15,379.93 | 14,785.79 | 14,224.06 | 13,682.69 | 13,189.78 |
| 217 | 18,196.54 | 17,443.17 | 16,732.52 | 16,061.82 | 15,428.50 | 14,830.18 | 14,264.63 | 13,729.76 | 13,223.66 |
| 218 | 18,266.10 | 17,506.70 | 16,790.54 | 16,114.82 | 15,476.91 | 14,874.40 | 14,305.02 | 13,766.67 | 13,257.38 |
| 219 | 18,335.54 | 17,570.10 | 16,848.42 | 16,167.66 | 15,525.16 | 14,918.46 | 14,345.25 | 13,803.40 | 13,290.92 |
| 220 | 18,404.86 | 17,633.36 | 16,906.16 | 16,220.35 | 15,573.25 | 14,962.35 | 14,385.31 | 13,839.97 | 13,324.30 |
| 221 | 18,474.07 | 17,696.49 | 16,963.75 | 16,272.89 | 15,621.18 | 15,006.08 | 14,425.21 | 13,876.37 | 13,357.51 |
| 222 | 18,543.17 | 17,759.49 | 17,021.20 | 16,325.28 | 15,668.95 | 15,049.64 | 14,464.93 | 13,912.60 | 13,390.56 |
| 223 | 18,612.15 | 17,822.36 | 17,078.50 | 16,377.51 | 15,716.56 | 15,093.04 | 14,504.50 | 13,948.67 | 13,423.44 |
| 224 | 18,681.01 | 17,885.10 | 17,135.66 | 16,429.59 | 15,764.02 | 15,136.28 | 14,543.90 | 13,984.57 | 13,456.16 |
| 225 | 18,749.76 | 17,947.71 | 17,192.68 | 16,481.52 | 15,811.31 | 15,179.36 | 14,583.14 | 14,020.31 | 13,488.72 |
| 226 | 18,818.40 | 18,010.19 | 17,249.55 | 16,533.29 | 15,858.45 | 15,222.27 | 14,622.21 | 14,055.89 | 13,521.11 |
| 227 | 18,886.92 | 18,072.54 | 17,306.29 | 16,584.92 | 15,905.43 | 15,265.03 | 14,661.12 | 14,091.31 | 13,553.35 |
| 228 | 18,955.33 | 18,134.76 | 17,362.88 | 16,636.40 | 15,952.26 | 15,307.63 | 14,699.87 | 14,126.56 | 13,585.42 |
| 229 | 19,023.62 | 18,196.85 | 17,419.33 | 16,687.73 | 15,998.93 | 15,350.06 | 14,738.46 | 14,161.65 | 13,617.33 |
| 230 | 19,091.80 | 18,258.81 | 17,475.64 | 16,738.91 | 16,045.44 | 15,392.34 | 14,776.89 | 14,196.58 | 13,649.09 |
| 231 | 19,159.87 | 18,320.64 | 17,531.81 | 16,789.33 | 16,091.81 | 15,434.46 | 14,815.16 | 14,231.36 | 13,680.68 |
| 232 | 19,227.82 | 18,382.35 | 17,587.84 | 16,840.82 | 16,138.01 | 15,476.43 | 14,853.27 | 14,265.97 | 13,712.12 |

ANNUITY TABLE, Continued

| Month | 2% | 2½% | 3% | 3½% | 4% | 4½% | 5% | 5½% | 6% |
|-------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 233 | 19,295.66 | 18,443.92 | 17,643.74 | 16,891.55 | 16,184.06 | 15,518.23 | 14,891.23 | 14,300.43 | 13,743.41 |
| 234 | 19,363.39 | 18,505.37 | 17,699.49 | 16,942.13 | 16,229.96 | 15,559.88 | 14,929.02 | 14,334.73 | 13,774.53 |
| 235 | 19,431.01 | 18,566.69 | 17,755.10 | 16,992.57 | 16,275.71 | 15,601.38 | 14,966.66 | 14,368.87 | 13,805.51 |
| 236 | 19,498.51 | 18,627.88 | 17,810.57 | 17,042.86 | 16,321.31 | 15,642.72 | 15,004.14 | 14,402.86 | 13,836.32 |
| 237 | 19,565.90 | 18,688.94 | 17,865.91 | 17,093.01 | 16,366.75 | 15,683.90 | 15,041.47 | 14,436.69 | 13,869.99 |
| 238 | 19,633.18 | 18,749.88 | 17,921.10 | 17,143.01 | 16,412.05 | 15,724.94 | 15,078.64 | 14,470.37 | 13,897.50 |
| 239 | 19,700.34 | 18,810.69 | 17,976.16 | 17,192.86 | 16,457.19 | 15,765.81 | 15,115.66 | 14,503.89 | 13,927.86 |
| 240 | 19,767.40 | 18,871.38 | 18,031.09 | 17,242.57 | 16,502.18 | 15,806.54 | 15,152.53 | 14,537.26 | 13,958.07 |
| 241 | 19,834.34 | 18,931.94 | 18,085.87 | 17,292.14 | 16,547.02 | 15,847.11 | 15,189.24 | 14,570.48 | 13,988.13 |
| 242 | 19,901.17 | 18,992.37 | 18,140.52 | 17,341.56 | 16,591.72 | 15,897.53 | 15,225.80 | 14,603.55 | 14,018.04 |
| 243 | 19,967.89 | 19,052.68 | 18,195.03 | 17,390.83 | 16,636.26 | 15,927.80 | 15,262.20 | 14,636.46 | 14,047.80 |
| 244 | 20,034.50 | 19,112.86 | 18,249.41 | 17,439.97 | 16,680.66 | 15,967.92 | 15,298.46 | 14,669.23 | 14,077.42 |
| 245 | 20,101.00 | 19,172.91 | 18,303.65 | 17,488.96 | 16,724.91 | 16,007.90 | 15,334.57 | 14,701.84 | 14,106.88 |
| 246 | 20,167.39 | 19,232.84 | 18,357.76 | 17,537.81 | 16,769.02 | 16,047.72 | 15,370.52 | 14,734.31 | 14,136.20 |
| 247 | 20,233.67 | 19,292.65 | 18,411.73 | 17,586.51 | 16,812.97 | 16,087.39 | 15,406.33 | 14,766.63 | 14,165.37 |
| 248 | 20,299.83 | 19,352.33 | 18,465.56 | 17,635.08 | 16,856.78 | 16,126.91 | 15,441.99 | 14,798.80 | 14,194.40 |
| 249 | 20,365.89 | 19,411.89 | 18,519.26 | 17,683.50 | 16,900.45 | 16,166.29 | 15,477.50 | 14,830.83 | 14,223.28 |
| 250 | 20,431.84 | 19,471.33 | 18,572.83 | 17,731.78 | 16,943.97 | 16,205.52 | 15,512.86 | 14,862.71 | 14,252.02 |
| 251 | 20,497.67 | 19,530.64 | 18,626.27 | 17,779.92 | 16,987.34 | 16,244.60 | 15,548.08 | 14,894.44 | 14,280.62 |
| 252 | 20,563.40 | 19,589.83 | 18,679.57 | 17,827.93 | 17,030.58 | 16,283.54 | 15,583.15 | 14,926.03 | 14,309.08 |
| 253 | 20,629.02 | 19,648.89 | 18,732.74 | 17,875.79 | 17,073.66 | 16,322.33 | 15,618.07 | 14,957.48 | 14,337.39 |
| 254 | 20,694.53 | 19,707.83 | 18,785.77 | 17,923.51 | 17,116.61 | 16,360.98 | 15,652.85 | 14,988.78 | 14,365.56 |
| 255 | 20,759.93 | 19,766.65 | 18,838.67 | 17,971.09 | 17,159.41 | 16,399.48 | 15,687.49 | 15,019.94 | 14,393.59 |
| 256 | 20,825.22 | 19,825.35 | 18,891.45 | 18,018.54 | 17,202.07 | 16,437.84 | 15,721.98 | 15,050.95 | 14,421.49 |
| 257 | 20,890.40 | 19,883.93 | 18,944.09 | 18,065.85 | 17,244.59 | 16,476.05 | 15,756.33 | 15,081.83 | 14,449.24 |
| 258 | 20,955.48 | 19,942.38 | 18,996.59 | 18,113.02 | 17,286.96 | 16,514.12 | 15,790.53 | 15,112.56 | 14,476.85 |
| 259 | 21,020.44 | 20,000.71 | 19,048.97 | 18,160.05 | 17,329.20 | 16,552.05 | 15,824.60 | 15,143.16 | 14,504.33 |
| 260 | 21,085.30 | 20,058.92 | 19,101.22 | 18,206.95 | 17,371.30 | 16,589.84 | 15,858.52 | 15,173.61 | 14,531.67 |
| 261 | 21,150.05 | 20,117.01 | 19,153.34 | 18,253.71 | 17,413.25 | 16,627.49 | 15,892.30 | 15,203.92 | 14,558.88 |
| 262 | 21,214.69 | 20,174.98 | 19,205.32 | 18,300.33 | 17,455.07 | 16,664.99 | 15,925.95 | 15,234.10 | 14,585.95 |
| 263 | 21,279.23 | 20,232.83 | 19,257.18 | 18,346.82 | 17,496.75 | 16,702.36 | 15,959.45 | 15,264.14 | 14,612.89 |
| 264 | 21,343.65 | 20,290.56 | 19,308.91 | 18,393.17 | 17,538.28 | 16,739.59 | 15,992.81 | 15,294.04 | 14,639.69 |
| 265 | 21,407.97 | 20,348.16 | 19,360.51 | 18,439.39 | 17,579.69 | 16,776.67 | 16,026.04 | 15,323.81 | 14,666.36 |
| 266 | 21,472.19 | 20,405.65 | 19,411.98 | 18,485.48 | 17,620.95 | 16,813.62 | 16,059.12 | 15,353.44 | 14,692.89 |
| 267 | 21,536.29 | 20,463.02 | 19,463.32 | 18,531.43 | 17,662.08 | 16,850.43 | 16,092.07 | 15,382.93 | 14,719.29 |

| | | | | | | | | | |
|-----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 268 | 21,600.29 | 20,520.27 | 19,514.53 | 18,577.24 | 17,703.07 | 16,887.11 | 16,124.89 | 15,412.29 | 14,745.57 |
| 269 | 21,664.19 | 20,577.40 | 19,565.62 | 18,622.93 | 17,743.92 | 16,923.64 | 16,157.56 | 15,441.52 | 14,771.71 |
| 270 | 21,727.97 | 20,634.41 | 19,616.58 | 18,668.48 | 17,784.64 | 16,960.04 | 16,190.10 | 15,470.61 | 14,797.72 |
| 271 | 21,791.65 | 20,691.30 | 19,667.41 | 18,713.89 | 17,825.22 | 16,996.31 | 16,222.51 | 15,499.57 | 14,823.60 |
| 272 | 21,855.23 | 20,748.08 | 19,718.11 | 18,759.18 | 17,865.67 | 17,032.43 | 16,254.78 | 15,528.40 | 14,849.36 |
| 273 | 21,918.70 | 20,804.74 | 19,768.69 | 18,804.33 | 17,905.98 | 17,068.43 | 16,286.92 | 15,557.10 | 14,874.98 |
| 274 | 21,982.06 | 20,861.28 | 19,819.14 | 18,849.36 | 17,946.16 | 17,104.29 | 16,318.92 | 15,585.66 | 14,900.48 |
| 275 | 22,045.32 | 20,917.70 | 19,869.47 | 18,894.25 | 17,986.21 | 17,140.01 | 16,350.80 | 15,614.10 | 14,925.85 |
| 276 | 22,108.47 | 20,974.00 | 19,919.67 | 18,939.01 | 18,026.12 | 17,175.60 | 16,382.53 | 15,642.41 | 14,951.09 |
| 277 | 22,171.52 | 21,030.19 | 19,969.74 | 18,983.64 | 18,065.90 | 17,211.06 | 16,414.14 | 15,670.58 | 14,976.21 |
| 278 | 22,234.46 | 21,086.26 | 20,019.70 | 19,028.14 | 18,105.55 | 17,246.39 | 16,445.62 | 15,698.63 | 15,001.21 |
| 279 | 22,297.30 | 21,142.21 | 20,069.52 | 19,072.51 | 18,145.06 | 17,281.58 | 16,476.96 | 15,726.55 | 15,026.08 |
| 280 | 22,360.03 | 21,198.05 | 20,119.22 | 19,116.76 | 18,184.45 | 17,316.64 | 16,508.18 | 15,754.34 | 15,050.82 |
| 281 | 22,422.66 | 21,253.77 | 20,168.80 | 19,160.87 | 18,223.70 | 17,351.58 | 16,539.27 | 15,782.01 | 15,075.44 |
| 282 | 22,485.18 | 21,309.38 | 20,218.26 | 19,204.86 | 18,262.83 | 17,386.38 | 16,570.22 | 15,809.55 | 15,099.94 |
| 283 | 22,547.61 | 21,364.87 | 20,267.59 | 19,248.71 | 18,301.82 | 17,421.05 | 16,601.05 | 15,836.96 | 15,124.32 |
| 284 | 22,609.92 | 21,420.24 | 20,316.80 | 19,292.44 | 18,340.69 | 17,455.59 | 16,631.75 | 15,864.25 | 15,148.58 |
| 285 | 22,672.14 | 21,475.50 | 20,365.88 | 19,336.05 | 18,379.42 | 17,490.00 | 16,662.33 | 15,891.41 | 15,172.72 |
| 286 | 22,734.24 | 21,530.64 | 20,414.84 | 19,379.52 | 18,418.03 | 17,524.29 | 16,692.77 | 15,918.46 | 15,196.73 |
| 287 | 22,796.25 | 21,585.67 | 20,463.63 | 19,422.87 | 18,456.51 | 17,558.44 | 16,723.10 | 15,945.37 | 15,220.63 |
| 288 | 22,858.15 | 21,640.59 | 20,512.40 | 19,466.10 | 18,494.86 | 17,592.47 | 16,753.29 | 15,972.17 | 15,244.41 |
| 289 | 22,919.95 | 21,695.39 | 20,561.00 | 19,509.20 | 18,533.08 | 17,626.37 | 16,783.36 | 15,998.84 | 15,268.07 |
| 290 | 22,981.65 | 21,750.08 | 20,609.48 | 19,552.17 | 18,571.17 | 17,660.15 | 16,813.30 | 16,025.59 | 15,291.61 |
| 291 | 23,043.25 | 21,804.65 | 20,657.83 | 19,595.02 | 18,609.14 | 17,693.79 | 16,843.12 | 16,051.82 | 15,315.03 |
| 292 | 23,104.74 | 21,859.11 | 20,706.07 | 19,637.74 | 18,646.99 | 17,727.32 | 16,872.82 | 16,078.13 | 15,338.34 |
| 293 | 23,166.13 | 21,913.46 | 20,754.18 | 19,680.34 | 18,684.71 | 17,760.71 | 16,902.39 | 16,104.31 | 15,361.53 |
| 294 | 23,227.42 | 21,967.69 | 20,802.18 | 19,722.81 | 18,722.30 | 17,792.99 | 16,931.84 | 16,130.38 | 15,384.61 |
| 295 | 23,288.60 | 22,021.81 | 20,850.05 | 19,765.17 | 18,759.77 | 17,827.13 | 16,961.17 | 16,156.33 | 15,407.57 |
| 296 | 23,349.69 | 22,075.82 | 20,897.81 | 19,807.39 | 18,797.11 | 17,860.16 | 16,990.33 | 16,182.17 | 15,430.42 |
| 297 | 23,410.67 | 22,129.72 | 20,945.44 | 19,849.50 | 18,834.33 | 17,893.06 | 17,019.47 | 16,207.88 | 15,453.16 |
| 298 | 23,471.55 | 22,183.50 | 20,992.96 | 19,891.43 | 18,871.42 | 17,925.84 | 17,048.43 | 16,233.48 | 15,475.78 |
| 299 | 23,532.33 | 22,237.18 | 21,040.36 | 19,933.34 | 18,908.39 | 17,958.49 | 17,077.27 | 16,258.96 | 15,498.28 |

ANNUITY TABLE, Continued

| Month | 2% | 2½% | 3% | 3½% | 4% | 4½% | 5% | 5½% | 6% |
|-------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 300 | 23,593.01 | 22,290.74 | 21,087.64 | 19,975.08 | 18,945.24 | 17,991.03 | 17,106.00 | 16,284.32 | 15,520.68 |
| 301 | 23,653.53 | 22,344.19 | 21,134.80 | 20,016.70 | 18,981.97 | 18,023.44 | 17,134.61 | 16,309.57 | 15,542.97 |
| 302 | 23,714.06 | 22,397.53 | 21,181.85 | 20,058.20 | 19,018.57 | 18,055.73 | 17,163.09 | 16,334.70 | 15,565.14 |
| 303 | 23,774.44 | 22,450.75 | 21,228.78 | 20,099.57 | 19,055.06 | 18,087.90 | 17,191.46 | 16,359.72 | 15,587.20 |
| 304 | 23,834.71 | 22,503.87 | 21,273.59 | 20,140.83 | 19,091.42 | 18,119.95 | 17,219.71 | 16,384.62 | 15,609.16 |
| 305 | 23,894.89 | 22,556.88 | 21,322.28 | 20,161.97 | 19,127.66 | 18,151.88 | 17,247.85 | 16,409.41 | 15,631.00 |
| 306 | 23,954.96 | 22,609.77 | 21,368.86 | 20,222.98 | 19,163.78 | 18,183.69 | 17,275.86 | 16,434.09 | 15,652.74 |
| 307 | 24,014.94 | 22,662.56 | 21,415.32 | 20,263.88 | 19,199.78 | 18,215.38 | 17,303.76 | 16,458.65 | 15,674.37 |
| 308 | 24,074.81 | 22,715.24 | 21,461.67 | 20,304.66 | 19,235.66 | 18,246.96 | 17,331.55 | 16,483.11 | 15,695.89 |
| 309 | 24,134.59 | 22,767.80 | 21,507.90 | 20,345.32 | 19,271.43 | 18,278.41 | 17,359.22 | 16,507.45 | 15,717.30 |
| 310 | 24,194.26 | 22,820.26 | 21,554.01 | 20,385.86 | 19,307.07 | 18,309.75 | 17,386.77 | 16,531.68 | 15,738.61 |
| 311 | 24,253.84 | 22,872.61 | 21,600.01 | 20,426.28 | 19,342.59 | 18,340.97 | 17,414.22 | 16,555.80 | 15,759.81 |
| 312 | 24,313.32 | 22,924.85 | 21,645.90 | 20,466.59 | 19,378.00 | 18,372.08 | 17,441.54 | 16,579.80 | 15,780.91 |
| 313 | 24,372.70 | 22,976.98 | 21,691.67 | 20,506.78 | 19,413.29 | 18,403.07 | 17,468.76 | 16,603.70 | 15,801.90 |
| 314 | 24,431.98 | 23,029.00 | 21,737.33 | 20,546.85 | 19,448.46 | 18,433.94 | 17,495.86 | 16,627.50 | 15,822.78 |
| 315 | 24,491.16 | 23,080.92 | 21,782.87 | 20,586.80 | 19,483.52 | 18,464.70 | 17,522.84 | 16,651.18 | 15,843.56 |
| 316 | 24,550.24 | 23,132.72 | 21,828.30 | 20,626.64 | 19,518.45 | 18,495.34 | 17,549.72 | 16,674.75 | 15,864.24 |
| 317 | 24,609.23 | 23,184.42 | 21,873.61 | 20,666.36 | 19,553.28 | 18,525.87 | 17,576.43 | 16,698.22 | 15,884.82 |
| 318 | 24,668.11 | 23,236.02 | 21,918.82 | 20,705.97 | 19,587.98 | 18,556.28 | 17,603.14 | 16,721.58 | 15,905.29 |
| 319 | 24,726.90 | 23,287.50 | 21,963.91 | 20,745.46 | 19,622.57 | 18,586.58 | 17,629.68 | 16,744.83 | 15,925.66 |
| 320 | 24,785.59 | 23,338.88 | 22,008.88 | 20,784.84 | 19,657.05 | 18,616.77 | 17,656.11 | 16,767.98 | 15,945.93 |
| 321 | 24,844.18 | 23,390.15 | 22,053.75 | 20,824.11 | 19,691.41 | 18,646.84 | 17,682.44 | 16,791.02 | 15,966.10 |
| 322 | 24,902.68 | 23,441.31 | 22,098.50 | 20,863.25 | 19,725.66 | 18,676.81 | 17,708.65 | 16,813.95 | 15,986.17 |
| 323 | 24,961.08 | 23,492.37 | 22,143.15 | 20,902.29 | 19,759.79 | 18,706.66 | 17,734.76 | 16,836.79 | 16,006.14 |
| 324 | 25,019.38 | 23,543.32 | 22,187.68 | 20,941.21 | 19,793.82 | 18,736.39 | 17,760.75 | 16,859.51 | 16,026.01 |
| 325 | 25,077.58 | 23,594.17 | 22,232.10 | 20,980.02 | 19,827.72 | 18,766.02 | 17,786.64 | 16,882.14 | 16,045.78 |
| 326 | 25,135.69 | 23,644.91 | 22,276.41 | 21,018.71 | 19,861.52 | 18,795.54 | 17,812.42 | 16,904.66 | 16,065.46 |
| 327 | 25,193.70 | 23,695.54 | 22,320.60 | 21,057.30 | 19,895.20 | 18,824.94 | 17,838.10 | 16,927.07 | 16,085.03 |
| 328 | 25,251.62 | 23,746.07 | 22,364.69 | 21,095.77 | 19,928.77 | 18,854.24 | 17,863.67 | 16,949.39 | 16,104.51 |
| 329 | 25,309.43 | 23,796.49 | 22,408.67 | 21,134.13 | 19,962.23 | 18,883.43 | 17,889.13 | 16,971.60 | 16,123.89 |
| 330 | 25,367.15 | 23,846.81 | 22,452.54 | 21,172.37 | 19,995.58 | 18,912.51 | 17,914.49 | 16,993.71 | 16,143.17 |
| 331 | 25,424.78 | 23,897.03 | 22,496.30 | 21,210.51 | 20,028.82 | 18,941.48 | 17,939.74 | 17,015.73 | 16,162.36 |
| 332 | 25,482.31 | 23,947.14 | 22,539.95 | 21,248.53 | 20,061.94 | 18,970.34 | 17,964.88 | 17,037.64 | 16,181.45 |
| 333 | 25,539.74 | 23,997.14 | 22,583.49 | 21,286.45 | 20,094.96 | 18,999.09 | 17,989.92 | 17,059.45 | 16,200.45 |
| 334 | 25,597.08 | 24,047.04 | 22,626.92 | 21,324.25 | 20,127.87 | 19,027.74 | 18,014.86 | 17,081.16 | 16,219.35 |

| | | | | | | | | | |
|-----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 335 | 25,654.32 | 24,096.84 | 22,670.25 | 21,361.95 | 20,160.66 | 19,056.28 | 18,039.70 | 17,102.77 | 16,238.16 |
| 336 | 25,711.47 | 24,146.54 | 22,713.46 | 21,399.53 | 20,193.35 | 19,084.71 | 18,064.43 | 17,124.28 | 16,256.88 |
| 337 | 25,768.52 | 24,196.13 | 22,756.57 | 21,437.01 | 20,225.93 | 19,113.03 | 18,089.06 | 17,145.70 | 16,275.50 |
| 338 | 25,825.48 | 24,245.62 | 22,799.57 | 21,474.37 | 20,258.41 | 19,141.25 | 18,113.58 | 17,167.02 | 16,294.03 |
| 339 | 25,882.34 | 24,295.00 | 22,842.47 | 21,511.63 | 20,290.77 | 19,169.37 | 18,138.01 | 17,188.24 | 16,312.47 |
| 340 | 25,939.11 | 24,344.29 | 22,885.25 | 21,548.78 | 20,323.03 | 19,197.38 | 18,162.33 | 17,209.36 | 16,330.82 |
| 341 | 25,995.79 | 24,393.47 | 22,927.93 | 21,585.82 | 20,355.18 | 19,225.28 | 18,186.56 | 17,230.39 | 16,349.07 |
| 342 | 26,052.37 | 24,442.54 | 22,970.51 | 21,622.76 | 20,387.22 | 19,253.08 | 18,210.68 | 17,251.32 | 16,367.23 |
| 343 | 26,108.85 | 24,491.52 | 23,012.97 | 21,659.58 | 20,419.15 | 19,280.78 | 18,234.70 | 17,272.16 | 16,385.31 |
| 344 | 26,165.24 | 24,540.39 | 23,055.34 | 21,696.30 | 20,450.98 | 19,308.38 | 18,258.62 | 17,292.90 | 16,403.29 |
| 345 | 26,221.54 | 24,589.17 | 23,097.59 | 21,732.91 | 20,482.71 | 19,335.87 | 18,282.45 | 17,313.54 | 16,421.18 |
| 346 | 26,277.74 | 24,637.84 | 23,139.74 | 21,769.42 | 20,514.33 | 19,363.25 | 18,306.17 | 17,334.10 | 16,438.99 |
| 347 | 26,333.85 | 24,686.41 | 23,181.79 | 21,805.82 | 20,545.84 | 19,390.54 | 18,329.80 | 17,354.55 | 16,456.71 |
| 348 | 26,389.87 | 24,734.88 | 23,223.73 | 21,842.11 | 20,577.25 | 19,417.72 | 18,353.32 | 17,374.92 | 16,474.33 |
| 249 | 26,445.79 | 24,783.24 | 23,265.57 | 21,878.30 | 20,608.56 | 19,444.80 | 18,376.75 | 17,395.19 | 16,491.88 |
| 350 | 26,501.62 | 24,831.51 | 23,307.30 | 21,914.38 | 20,639.76 | 19,471.79 | 18,400.09 | 17,415.37 | 16,509.33 |
| 351 | 26,557.36 | 24,879.68 | 23,348.92 | 21,950.36 | 20,670.85 | 19,498.67 | 18,423.32 | 17,435.46 | 16,526.69 |
| 352 | 26,613.01 | 24,927.75 | 23,390.45 | 21,986.24 | 20,701.85 | 19,525.44 | 18,446.46 | 17,455.45 | 16,543.97 |
| 353 | 26,668.56 | 24,975.71 | 23,431.87 | 22,022.01 | 20,732.74 | 19,552.12 | 18,469.51 | 17,475.36 | 16,561.17 |
| 354 | 26,724.02 | 25,023.58 | 23,473.19 | 22,057.67 | 20,763.53 | 19,578.70 | 18,492.45 | 17,495.17 | 16,578.28 |
| 355 | 26,779.39 | 25,071.35 | 23,514.40 | 22,093.23 | 20,794.21 | 19,605.18 | 18,515.31 | 17,514.90 | 16,595.30 |
| 356 | 26,834.66 | 25,119.02 | 23,555.51 | 22,128.69 | 20,824.80 | 19,631.57 | 18,538.06 | 17,534.53 | 16,612.24 |
| 357 | 26,889.85 | 25,166.59 | 23,596.52 | 22,164.04 | 20,855.28 | 19,657.85 | 18,560.73 | 17,554.07 | 16,629.09 |
| 358 | 26,944.94 | 25,214.06 | 23,637.43 | 22,199.30 | 20,885.66 | 19,684.03 | 18,583.30 | 17,573.53 | 16,645.87 |
| 359 | 26,999.94 | 25,261.43 | 23,678.23 | 22,234.45 | 20,915.94 | 19,710.12 | 18,605.77 | 17,592.89 | 16,662.55 |
| 360 | 27,054.85 | 25,308.70 | 23,718.93 | 22,269.49 | 20,946.12 | 19,736.11 | 18,628.16 | 17,612.17 | 16,679.16 |
| 361 | 27,109.66 | 25,355.88 | 23,759.53 | 22,304.44 | 20,976.20 | 19,762.00 | 18,650.45 | 17,631.36 | 16,695.68 |
| 362 | 27,164.39 | 25,402.96 | 23,800.03 | 22,339.28 | 21,006.18 | 19,787.80 | 18,672.64 | 17,650.46 | 16,712.12 |
| 363 | 27,219.02 | 25,449.84 | 23,840.43 | 22,374.03 | 21,036.06 | 19,813.50 | 18,694.75 | 17,669.48 | 16,728.48 |
| 364 | 27,273.57 | 25,496.82 | 23,880.73 | 22,408.67 | 21,065.84 | 19,839.10 | 18,716.76 | 17,688.41 | 16,744.75 |
| 365 | 27,328.02 | 25,543.60 | 23,920.93 | 22,443.21 | 21,095.52 | 19,864.61 | 18,738.68 | 17,707.25 | 16,760.95 |

ANNUITY TABLE, Continued

| Month | 2% | 2½% | 3% | 3½% | 4% | 4½% | 5% | 5½% | 6% |
|-------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 366 | 27,382.38 | 25,590.29 | 23,961.03 | 22,477.65 | 21,125.10 | 19,890.02 | 18,760.52 | 17,728.00 | 16,777.06 |
| 367 | 27,436.66 | 25,636.88 | 24,001.02 | 22,511.99 | 21,154.59 | 19,915.34 | 18,782.26 | 17,744.67 | 16,793.10 |
| 368 | 27,490.84 | 25,683.37 | 24,040.92 | 22,546.23 | 21,183.97 | 19,940.56 | 18,803.91 | 17,763.26 | 16,809.05 |
| 369 | 27,544.93 | 25,729.77 | 24,080.72 | 22,580.37 | 21,213.26 | 19,965.69 | 18,825.47 | 17,781.76 | 16,824.93 |
| 370 | 27,598.93 | 25,776.07 | 24,120.42 | 22,614.41 | 21,242.46 | 19,990.73 | 18,846.94 | 17,800.17 | 16,840.72 |
| 371 | 27,652.84 | 25,822.27 | 24,160.02 | 22,648.35 | 21,271.55 | 20,015.67 | 18,868.32 | 17,818.51 | 16,856.44 |
| 372 | 27,706.67 | 25,868.38 | 24,199.52 | 22,682.20 | 21,300.55 | 20,040.51 | 18,899.61 | 17,836.75 | 16,872.08 |
| 373 | 27,760.40 | 25,914.39 | 24,238.92 | 22,715.94 | 21,329.45 | 20,065.27 | 18,910.82 | 17,854.92 | 16,887.64 |
| 374 | 27,814.04 | 25,960.31 | 24,278.23 | 22,749.59 | 21,358.26 | 20,089.93 | 18,931.94 | 17,873.00 | 16,903.13 |
| 375 | 27,867.60 | 26,006.13 | 24,317.43 | 22,783.14 | 21,386.97 | 20,114.50 | 18,952.96 | 17,891.00 | 16,918.53 |
| 376 | 27,921.06 | 26,051.85 | 24,356.54 | 22,816.59 | 21,415.58 | 20,138.98 | 18,973.91 | 17,908.92 | 16,933.86 |
| 377 | 27,974.44 | 26,097.48 | 24,395.55 | 22,849.94 | 21,444.10 | 20,163.37 | 18,994.76 | 17,926.75 | 16,949.12 |
| 378 | 28,027.72 | 26,143.02 | 24,434.47 | 22,883.20 | 21,472.53 | 20,187.67 | 19,015.53 | 17,944.51 | 16,964.30 |
| 379 | 28,080.92 | 26,188.46 | 24,473.28 | 22,916.36 | 21,500.86 | 20,211.87 | 19,036.21 | 17,962.18 | 16,979.40 |
| 380 | 28,134.03 | 26,233.80 | 24,512.00 | 22,949.42 | 21,529.09 | 20,235.99 | 19,056.81 | 17,979.77 | 16,994.43 |
| 381 | 28,187.05 | 26,279.06 | 24,550.63 | 22,982.39 | 21,557.24 | 20,260.01 | 19,077.32 | 17,997.29 | 17,009.38 |
| 382 | 28,239.99 | 26,324.21 | 24,589.15 | 23,015.26 | 21,585.28 | 20,283.95 | 19,097.75 | 18,014.72 | 17,024.26 |
| 383 | 28,292.83 | 26,369.28 | 24,627.59 | 23,048.04 | 21,613.24 | 20,307.79 | 19,118.09 | 18,032.07 | 17,039.06 |
| 384 | 28,345.59 | 26,414.25 | 24,665.92 | 23,080.72 | 21,641.10 | 20,331.55 | 19,138.34 | 18,049.35 | 17,053.79 |
| 385 | 28,398.26 | 26,459.13 | 24,704.16 | 23,113.31 | 21,668.87 | 20,355.22 | 19,158.52 | 18,066.54 | 17,068.45 |
| 386 | 28,450.84 | 26,503.91 | 24,742.30 | 23,145.80 | 21,696.55 | 20,378.80 | 19,178.61 | 18,083.66 | 17,083.04 |
| 387 | 28,503.34 | 26,548.60 | 24,780.35 | 23,178.20 | 21,724.14 | 20,402.29 | 19,198.61 | 18,100.70 | 17,097.55 |
| 388 | 28,555.74 | 26,593.20 | 24,818.31 | 23,210.50 | 21,751.63 | 20,425.69 | 19,218.54 | 18,117.66 | 17,111.99 |
| 389 | 28,608.06 | 26,637.70 | 24,856.17 | 23,242.71 | 21,779.03 | 20,449.01 | 19,238.38 | 18,134.54 | 17,126.36 |
| 390 | 28,660.30 | 26,682.11 | 24,893.93 | 23,274.82 | 21,806.35 | 20,472.24 | 19,258.13 | 18,151.35 | 17,140.65 |
| 391 | 28,712.44 | 26,726.43 | 24,931.60 | 23,306.85 | 21,833.57 | 20,495.38 | 19,277.81 | 18,168.08 | 17,154.88 |
| 392 | 28,764.50 | 26,770.66 | 24,969.18 | 23,338.77 | 21,860.70 | 20,518.43 | 19,297.40 | 18,184.73 | 17,169.03 |
| 393 | 28,816.47 | 26,814.80 | 25,006.66 | 23,370.61 | 21,887.74 | 20,541.40 | 19,316.92 | 18,201.31 | 17,183.12 |
| 394 | 28,868.36 | 26,858.84 | 25,044.05 | 23,402.35 | 21,914.69 | 20,564.29 | 19,336.35 | 18,217.81 | 17,197.13 |
| 395 | 28,920.16 | 26,902.78 | 25,081.35 | 23,434.00 | 21,941.55 | 20,587.09 | 19,355.70 | 18,234.24 | 17,211.08 |
| 396 | 28,971.87 | 26,946.66 | 25,118.55 | 23,465.56 | 21,968.32 | 20,609.80 | 19,374.97 | 18,250.59 | 17,224.95 |
| 397 | 29,023.50 | 26,990.43 | 25,155.66 | 23,497.03 | 21,995.01 | 20,632.43 | 19,394.16 | 18,266.86 | 17,238.76 |
| 398 | 29,075.04 | 27,034.10 | 25,192.68 | 23,528.40 | 22,021.60 | 20,654.97 | 19,413.27 | 18,283.07 | 17,252.50 |
| 399 | 29,126.50 | 27,077.69 | 25,229.61 | 23,559.69 | 22,048.11 | 20,677.43 | 19,432.30 | 18,299.19 | 17,266.17 |
| 400 | 29,177.87 | 27,121.19 | 25,266.44 | 23,590.88 | 22,074.53 | 20,699.81 | 19,451.26 | 18,315.25 | 17,279.77 |

| | | | | | | | | | |
|-----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 401 | 29,229.15 | 27,164.60 | 25,303.18 | 23,621.98 | 22,100.86 | 20,722.10 | 19,470.13 | 18,331.23 | 17,293.30 |
| 402 | 29,280.35 | 27,207.91 | 25,339.83 | 23,653.00 | 22,127.10 | 20,744.31 | 19,488.93 | 18,347.14 | 17,306.77 |
| 403 | 29,331.47 | 27,251.14 | 25,376.39 | 23,683.92 | 22,153.26 | 20,766.43 | 19,507.65 | 18,362.98 | 17,320.17 |
| 404 | 29,382.50 | 27,294.28 | 25,412.86 | 23,714.75 | 22,179.33 | 20,788.48 | 19,526.29 | 18,378.74 | 17,333.50 |
| 405 | 29,433.44 | 27,337.32 | 25,449.24 | 23,745.49 | 22,205.31 | 20,810.44 | 19,544.85 | 18,394.43 | 17,346.76 |
| 406 | 29,484.30 | 27,380.28 | 25,485.52 | 23,776.15 | 22,231.20 | 20,832.32 | 19,563.34 | 18,410.05 | 17,359.96 |
| 407 | 29,535.07 | 27,423.15 | 25,521.72 | 23,806.71 | 22,257.01 | 20,854.11 | 19,581.75 | 18,425.60 | 17,373.10 |
| 408 | 29,585.76 | 27,465.93 | 25,557.83 | 23,837.18 | 22,282.74 | 20,875.83 | 19,600.08 | 18,441.08 | 17,386.17 |
| 409 | 29,636.37 | 27,508.62 | 25,593.84 | 23,867.51 | 22,308.38 | 20,897.46 | 19,618.33 | 18,456.49 | 17,399.17 |
| 410 | 29,686.89 | 27,551.22 | 25,629.77 | 23,897.87 | 22,333.93 | 20,919.02 | 19,636.52 | 18,471.83 | 17,412.11 |
| 411 | 29,737.33 | 27,593.74 | 25,665.60 | 23,928.08 | 22,359.40 | 20,940.49 | 19,654.62 | 18,487.09 | 17,424.99 |
| 412 | 29,787.68 | 27,636.16 | 25,701.35 | 23,958.20 | 22,384.78 | 20,961.88 | 19,672.65 | 18,502.29 | 17,437.80 |
| 413 | 29,837.95 | 27,678.50 | 25,737.01 | 23,988.23 | 22,410.08 | 20,983.20 | 19,690.61 | 18,517.42 | 17,450.54 |
| 414 | 29,888.14 | 27,720.74 | 25,772.58 | 24,018.18 | 22,435.30 | 21,004.43 | 19,708.49 | 18,532.48 | 17,463.23 |
| 415 | 29,938.24 | 27,762.91 | 25,808.06 | 24,048.04 | 22,460.43 | 21,025.58 | 19,726.30 | 18,547.47 | 17,475.85 |
| 416 | 29,988.26 | 27,804.98 | 25,843.45 | 24,077.81 | 22,485.48 | 21,046.66 | 19,744.03 | 18,562.39 | 17,488.41 |
| 417 | 30,038.20 | 27,846.96 | 25,878.75 | 24,107.50 | 22,510.44 | 21,067.66 | 19,761.69 | 18,577.25 | 17,500.90 |
| 418 | 30,088.05 | 27,888.86 | 25,913.96 | 24,137.10 | 22,535.33 | 21,088.57 | 19,779.28 | 18,592.03 | 17,513.34 |
| 419 | 30,137.82 | 27,930.67 | 25,949.09 | 24,165.61 | 22,560.13 | 21,109.41 | 19,796.79 | 18,606.75 | 17,525.71 |
| 420 | 30,187.51 | 27,972.42 | 25,984.13 | 24,196.04 | 22,584.84 | 21,130.18 | 19,814.23 | 18,621.40 | 17,538.02 |
| 421 | 30,237.12 | 28,014.03 | 26,019.08 | 24,225.39 | 22,609.48 | 21,150.86 | 19,831.60 | 18,635.99 | 17,550.27 |
| 422 | 30,286.64 | 28,055.59 | 26,053.95 | 24,254.64 | 22,634.03 | 21,171.47 | 19,848.89 | 18,650.51 | 17,562.45 |
| 423 | 30,336.08 | 28,097.05 | 26,088.73 | 24,283.82 | 22,658.50 | 21,192.00 | 19,866.12 | 18,664.96 | 17,574.58 |
| 424 | 30,385.44 | 28,138.43 | 26,123.42 | 24,312.90 | 22,682.89 | 21,212.45 | 19,883.27 | 18,679.35 | 17,586.65 |
| 425 | 30,434.71 | 28,179.72 | 26,158.02 | 24,341.91 | 22,707.20 | 21,232.83 | 19,900.35 | 18,693.67 | 17,598.65 |
| 426 | 30,483.90 | 28,220.93 | 26,192.54 | 24,370.92 | 22,731.43 | 21,253.13 | 19,917.36 | 18,707.92 | 17,610.60 |
| 427 | 30,533.02 | 28,262.05 | 26,226.97 | 24,399.66 | 22,755.58 | 21,273.35 | 19,934.30 | 18,722.11 | 17,622.49 |
| 428 | 30,582.05 | 28,303.08 | 26,261.32 | 24,428.41 | 22,779.65 | 21,293.50 | 19,951.18 | 18,736.24 | 17,634.32 |
| 429 | 30,630.99 | 28,343.03 | 26,295.58 | 24,457.08 | 22,803.63 | 21,313.58 | 19,967.98 | 18,750.30 | 17,646.09 |
| 430 | 30,679.86 | 28,384.90 | 26,329.76 | 24,485.66 | 22,827.54 | 21,333.57 | 19,984.71 | 18,764.30 | 17,657.80 |
| 431 | 30,728.65 | 28,425.68 | 26,363.85 | 24,514.16 | 22,851.37 | 21,353.50 | 20,001.37 | 18,778.23 | 17,669.45 |

ANNUITY TABLE, Continued

| Month | 2% | 2½% | 3% | 3½% | 4% | 4½% | 5% | 5½% | 6% |
|-------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 432 | 30,777.35 | 28,466.37 | 26,397.85 | 24,542.58 | 22,875.12 | 21,373.35 | 20,017.96 | 18,792.10 | 17,681.05 |
| 433 | 30,825.97 | 28,506.98 | 26,431.77 | 24,570.91 | 22,898.79 | 21,393.12 | 20,034.48 | 18,805.91 | 17,692.58 |
| 434 | 30,874.52 | 28,547.51 | 26,465.61 | 24,599.16 | 22,922.38 | 21,412.83 | 20,050.94 | 18,819.65 | 17,704.06 |
| 435 | 30,922.98 | 28,587.95 | 26,499.36 | 24,627.33 | 22,945.90 | 21,432.45 | 20,067.32 | 18,833.33 | 17,715.48 |
| 436 | 30,971.36 | 28,628.31 | 26,533.03 | 24,655.42 | 22,969.33 | 21,452.01 | 20,083.64 | 18,846.95 | 17,726.85 |
| 437 | 31,019.66 | 28,668.58 | 26,566.61 | 24,683.43 | 22,992.69 | 21,471.49 | 20,099.89 | 18,860.50 | 17,738.16 |
| 438 | 31,067.88 | 28,708.77 | 26,600.11 | 24,711.35 | 23,015.97 | 21,490.90 | 20,116.07 | 18,874.00 | 17,749.41 |
| 439 | 31,116.02 | 28,748.88 | 26,633.53 | 24,739.20 | 23,039.17 | 21,510.24 | 20,132.19 | 18,887.43 | 17,760.61 |
| 440 | 31,164.08 | 28,788.90 | 26,666.86 | 24,766.93 | 23,062.30 | 21,529.50 | 20,148.24 | 18,900.80 | 17,771.75 |
| 441 | 31,212.06 | 28,828.84 | 26,700.11 | 24,794.64 | 23,085.35 | 21,548.69 | 20,164.22 | 18,914.11 | 17,782.84 |
| 442 | 31,259.96 | 28,868.70 | 26,733.28 | 24,822.25 | 23,108.32 | 21,567.81 | 20,180.14 | 18,927.36 | 17,793.87 |
| 443 | 31,307.78 | 28,908.47 | 26,766.36 | 24,849.77 | 23,131.22 | 21,586.86 | 20,195.99 | 18,940.55 | 17,804.84 |
| 444 | 31,355.52 | 28,948.16 | 26,799.36 | 24,877.21 | 23,154.04 | 21,605.84 | 20,211.77 | 18,953.68 | 17,815.76 |
| 445 | 31,403.18 | 28,987.77 | 26,832.28 | 24,904.57 | 23,176.78 | 21,624.75 | 20,227.49 | 18,966.75 | 17,826.63 |
| 446 | 31,450.76 | 29,027.30 | 26,865.12 | 24,931.85 | 23,199.45 | 21,643.59 | 20,243.14 | 18,979.76 | 17,837.44 |
| 447 | 31,498.27 | 29,066.74 | 26,897.88 | 24,959.05 | 23,222.04 | 21,662.35 | 20,258.73 | 18,992.71 | 17,848.20 |
| 448 | 31,545.69 | 29,106.11 | 26,930.55 | 24,986.18 | 23,244.56 | 21,681.05 | 20,274.26 | 19,005.60 | 17,858.91 |
| 449 | 31,593.04 | 29,145.39 | 26,963.14 | 25,013.22 | 23,267.00 | 21,699.67 | 20,289.72 | 19,018.43 | 17,869.56 |
| 450 | 31,640.30 | 29,184.58 | 26,995.65 | 25,040.19 | 23,289.37 | 21,718.23 | 20,305.11 | 19,031.20 | 17,880.16 |
| 451 | 31,687.49 | 29,223.70 | 27,028.08 | 25,067.08 | 23,311.67 | 21,736.72 | 20,320.44 | 19,043.92 | 17,890.71 |
| 452 | 31,734.60 | 29,262.74 | 27,060.43 | 25,093.89 | 23,333.89 | 21,755.14 | 20,335.71 | 19,056.58 | 17,901.20 |
| 453 | 31,781.63 | 29,301.69 | 27,092.70 | 25,120.62 | 23,356.03 | 21,773.49 | 20,350.91 | 19,069.18 | 17,911.64 |
| 454 | 31,828.58 | 29,340.57 | 27,124.89 | 25,147.27 | 23,378.11 | 21,791.77 | 20,366.06 | 19,081.72 | 17,922.03 |
| 455 | 31,875.45 | 29,379.36 | 27,156.99 | 25,173.85 | 23,400.11 | 21,809.98 | 20,381.13 | 19,094.20 | 17,932.37 |
| 456 | 31,922.25 | 29,418.07 | 27,189.02 | 25,200.35 | 23,422.03 | 21,828.12 | 20,396.15 | 19,106.63 | 17,942.66 |
| 457 | 31,968.97 | 29,456.70 | 27,220.97 | 25,226.77 | 23,443.89 | 21,846.20 | 20,411.10 | 19,119.00 | 17,952.89 |
| 458 | 32,015.61 | 29,495.26 | 27,252.84 | 25,253.11 | 23,465.67 | 21,864.20 | 20,426.00 | 19,131.32 | 17,963.08 |
| 459 | 32,062.17 | 29,533.73 | 27,284.63 | 25,279.38 | 23,487.38 | 21,882.15 | 20,440.83 | 19,143.58 | 17,973.21 |
| 460 | 32,108.66 | 29,572.12 | 27,316.33 | 25,305.57 | 23,509.01 | 21,900.03 | 20,455.59 | 19,153.78 | 17,983.29 |
| 461 | 32,155.07 | 29,610.43 | 27,347.97 | 25,331.69 | 23,530.58 | 21,917.83 | 20,470.30 | 19,167.93 | 17,993.33 |
| 462 | 32,201.40 | 29,648.66 | 27,379.52 | 25,357.73 | 23,552.07 | 21,935.58 | 20,484.95 | 19,180.02 | 18,003.31 |
| 463 | 32,247.65 | 29,686.81 | 27,410.99 | 25,383.69 | 23,573.49 | 21,953.25 | 20,499.53 | 19,192.05 | 18,013.24 |
| 464 | 32,293.83 | 29,724.89 | 27,442.38 | 25,409.58 | 23,594.84 | 21,970.86 | 20,514.06 | 19,204.04 | 18,023.13 |
| 465 | 32,339.93 | 29,762.88 | 27,473.70 | 25,435.40 | 23,616.12 | 21,988.40 | 20,528.52 | 19,215.96 | 18,032.96 |

**MORTALITY TABLES AS PROVIDED IN ACT NO. 457, APPROVED
AUGUST 31, 1953**

1941 CSO Mortality Table—Commissioners Standard Ordinary

| Age | Number Living | Deaths Each Year | Death Rate per 1000 | Expectation of Life (Yrs.) | Age | Number Living | Deaths Each Year | Death Rate per 1000 | Expectation of Life (Yrs.) |
|------------|----------------------|-------------------------|----------------------------|-----------------------------------|------------|----------------------|-------------------------|----------------------------|-----------------------------------|
| 0 | 1,023,102 | 23,102 | 22.58 | 62.35 | 50 | 810,900 | 9,990 | 12.32 | 21.37 |
| 1 | 1,000,000 | 5,770 | 5.77 | 62.76 | 51 | 800,910 | 10,628 | 13.27 | 20.64 |
| 2 | 994,230 | 4,116 | 4.14 | 62.12 | 52 | 790,282 | 11,301 | 14.30 | 19.91 |
| 3 | 990,114 | 3,347 | 3.38 | 61.37 | 53 | 778,981 | 12,020 | 15.43 | 19.19 |
| 4 | 986,767 | 2,950 | 2.99 | 60.58 | 54 | 766,961 | 12,770 | 16.65 | 18.48 |
| 5 | 983,817 | 2,715 | 2.76 | 59.76 | 55 | 754,191 | 13,560 | 17.98 | 17.78 |
| 6 | 981,102 | 2,561 | 2.61 | 58.92 | 56 | 740,631 | 14,390 | 19.43 | 17.10 |
| 7 | 978,541 | 2,417 | 2.47 | 58.08 | 57 | 726,241 | 15,251 | 21.00 | 16.43 |
| 8 | 976,124 | 2,255 | 2.31 | 57.22 | 58 | 710,990 | 16,147 | 22.71 | 15.77 |
| 9 | 973,869 | 2,065 | 2.12 | 56.35 | 59 | 694,843 | 17,072 | 24.57 | 15.13 |
| 10 | 971,804 | 1,914 | 1.97 | 55.47 | 60 | 677,771 | 18,022 | 26.59 | 14.50 |
| 11 | 969,890 | 1,852 | 1.91 | 54.58 | 61 | 659,749 | 18,988 | 28.78 | 13.88 |
| 12 | 968,038 | 1,859 | 1.92 | 53.68 | 62 | 640,761 | 19,979 | 31.18 | 13.27 |
| 13 | 966,179 | 1,913 | 1.98 | 52.78 | 63 | 620,782 | 20,958 | 33.79 | 12.69 |
| 14 | 964,266 | 1,996 | 2.07 | 51.89 | 64 | 599,824 | 21,942 | 36.58 | 12.11 |
| 15 | 962,270 | 2,069 | 2.15 | 50.99 | 65 | 577,882 | 22,907 | 39.64 | 11.55 |
| 16 | 960,201 | 2,103 | 2.19 | 50.10 | 66 | 554,975 | 23,842 | 42.96 | 11.01 |
| 17 | 958,098 | 2,156 | 2.25 | 49.21 | 67 | 531,133 | 24,730 | 46.56 | 10.48 |
| 18 | 955,942 | 2,199 | 2.30 | 48.32 | 68 | 506,403 | 25,553 | 50.46 | 9.97 |
| 19 | 953,743 | 2,260 | 2.37 | 47.43 | 69 | 480,850 | 26,302 | 54.70 | 9.47 |
| 20 | 951,483 | 2,312 | 2.43 | 46.54 | 70 | 454,548 | 26,955 | 59.30 | 8.99 |
| 21 | 949,171 | 2,382 | 2.51 | 45.66 | 71 | 427,593 | 27,481 | 64.27 | 8.52 |
| 22 | 946,789 | 2,452 | 2.59 | 44.77 | 72 | 400,112 | 27,872 | 69.66 | 8.08 |
| 23 | 944,337 | 2,531 | 2.68 | 43.88 | 73 | 372,240 | 28,104 | 75.50 | 7.64 |
| 24 | 941,806 | 2,609 | 2.77 | 43.00 | 74 | 344,136 | 28,154 | 81.81 | 7.23 |
| 25 | 939,197 | 2,705 | 2.88 | 42.12 | 75 | 315,982 | 28,009 | 88.64 | 6.82 |
| 26 | 936,492 | 2,800 | 2.99 | 41.24 | 76 | 287,973 | 27,651 | 96.02 | 6.44 |
| 27 | 933,692 | 2,904 | 3.11 | 40.36 | 77 | 260,322 | 27,071 | 103.99 | 6.07 |
| 28 | 930,788 | 3,025 | 3.25 | 39.49 | 78 | 233,251 | 26,262 | 112.59 | 5.72 |
| 29 | 927,763 | 3,154 | 3.40 | 38.61 | 79 | 206,989 | 25,224 | 121.86 | 5.38 |
| 30 | 924,609 | 3,292 | 3.56 | 37.74 | 80 | 181,765 | 23,966 | 131.85 | 5.06 |
| 31 | 921,317 | 3,437 | 3.73 | 36.88 | 81 | 157,799 | 22,502 | 142.60 | 4.75 |
| 32 | 917,880 | 3,598 | 3.92 | 36.01 | 82 | 135,297 | 20,857 | 154.16 | 4.46 |
| 33 | 914,282 | 3,767 | 4.12 | 35.15 | 83 | 114,440 | 19,062 | 166.57 | 4.18 |
| 34 | 910,515 | 3,961 | 4.35 | 34.29 | 84 | 95,378 | 17,157 | 179.88 | 3.91 |
| 35 | 906,554 | 4,161 | 4.59 | 33.44 | 85 | 78,221 | 15,185 | 194.13 | 3.66 |
| 36 | 902,393 | 4,386 | 4.86 | 32.59 | 86 | 63,036 | 13,198 | 209.37 | 3.42 |
| 37 | 898,007 | 4,625 | 5.15 | 31.75 | 87 | 49,838 | 11,245 | 225.63 | 3.19 |
| 38 | 893,382 | 4,878 | 5.46 | 30.91 | 88 | 38,593 | 9,378 | 243.00 | 2.98 |
| 39 | 888,504 | 5,162 | 5.81 | 30.08 | 89 | 29,215 | 7,638 | 261.44 | 2.77 |
| 40 | 883,342 | 5,459 | 6.18 | 29.25 | 90 | 21,577 | 6,063 | 280.99 | 2.58 |
| 41 | 877,883 | 5,785 | 6.59 | 28.43 | 91 | 15,514 | 4,681 | 301.73 | 2.39 |
| 42 | 872,098 | 6,131 | 7.03 | 27.62 | 92 | 10,833 | 3,506 | 323.64 | 2.21 |
| 43 | 865,967 | 6,503 | 7.51 | 26.81 | 93 | 7,327 | 2,540 | 346.66 | 2.03 |
| 44 | 859,464 | 6,910 | 8.04 | 26.01 | 94 | 4,787 | 1,776 | 371.00 | 1.84 |
| 45 | 852,554 | 7,340 | 8.61 | 25.21 | 95 | 3,011 | 1,193 | 396.21 | 1.63 |
| 46 | 845,214 | 7,801 | 9.23 | 24.43 | 96 | 1,818 | 813 | 447.19 | 1.37 |
| 47 | 837,413 | 8,299 | 9.91 | 23.65 | 97 | 1,005 | 551 | 548.26 | 1.08 |
| 48 | 829,114 | 8,822 | 10.64 | 22.88 | 98 | 454 | 329 | 724.67 | .78 |
| 49 | 820,292 | 9,392 | 11.45 | 22.12 | 99 | 125 | 125 | 1,000.00 | .50 |

| | | | | | | | | | |
|-----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 466 | 32,385.95 | 29,800.80 | 27,504.94 | 25,461.13 | 23,637.33 | 22,005.88 | 20,542.93 | 19,227.83 | 18,042.75 |
| 467 | 32,431.90 | 29,838.63 | 27,586.10 | 25,486.80 | 23,658.47 | 22,023.29 | 20,557.27 | 19,239.65 | 18,052.49 |
| 468 | 32,477.77 | 29,876.39 | 27,567.18 | 25,512.39 | 23,679.54 | 22,040.64 | 20,571.56 | 19,251.42 | 18,062.18 |
| 469 | 32,523.56 | 29,914.07 | 27,598.18 | 25,537.90 | 23,700.54 | 22,057.93 | 20,585.78 | 19,263.13 | 18,071.82 |
| 470 | 32,569.28 | 29,951.67 | 27,629.11 | 25,563.34 | 23,721.46 | 22,075.14 | 20,599.95 | 19,274.78 | 18,081.41 |
| 471 | 32,614.92 | 29,989.19 | 27,659.96 | 25,588.71 | 23,742.32 | 22,092.30 | 20,614.06 | 19,286.39 | 18,090.96 |
| 472 | 32,660.49 | 30,026.64 | 27,690.73 | 25,614.00 | 23,763.11 | 22,109.39 | 20,628.11 | 19,297.94 | 18,100.45 |
| 473 | 32,705.98 | 30,064.00 | 27,721.43 | 25,639.22 | 23,783.83 | 22,126.41 | 20,642.10 | 19,309.44 | 18,109.90 |
| 474 | 32,751.39 | 30,101.29 | 27,752.05 | 25,664.37 | 23,804.48 | 22,143.38 | 20,656.03 | 19,320.88 | 18,119.31 |
| 475 | 32,796.73 | 30,138.50 | 27,782.59 | 25,689.44 | 23,825.07 | 22,160.27 | 20,669.91 | 19,332.28 | 18,128.66 |
| 476 | 32,842.00 | 30,175.64 | 27,813.06 | 25,714.44 | 23,845.58 | 22,177.11 | 20,683.72 | 19,343.62 | 18,137.97 |
| 477 | 32,887.18 | 30,212.69 | 27,843.45 | 25,739.36 | 23,866.03 | 22,193.88 | 20,697.48 | 19,354.91 | 18,147.24 |
| 478 | 32,932.30 | 30,249.67 | 27,873.77 | 25,764.22 | 23,886.41 | 22,210.59 | 20,711.19 | 19,366.15 | 18,156.46 |
| 479 | 32,977.34 | 30,286.58 | 27,904.01 | 25,789.00 | 23,906.72 | 22,227.24 | 20,724.83 | 19,377.34 | 18,165.63 |
| 480 | 33,022.30 | 30,323.40 | 27,934.17 | 25,813.71 | 23,926.96 | 22,243.83 | 20,738.42 | 19,388.47 | 18,174.75 |

**MORTALITY TABLES AS PROVIDED IN ACT NO. 457, APPROVED
AUGUST 31, 1953**

American Experience Table of Mortality

| Age | Number Living | Deaths Each Year | Death Rate per 1000 | Expectation of Life (Yrs.) | Age | Number Living | Deaths Each Year | Death Rate per 1000 | Expectation of Life (Yrs.) |
|------------|----------------------|-------------------------|----------------------------|-----------------------------------|------------|----------------------|-------------------------|----------------------------|-----------------------------------|
| 10 | 100,000 | 749 | 7.49 | 48.72 | 55 | 64,563 | 1,199 | 18.57 | 17.40 |
| 11 | 99,251 | 746 | 7.52 | 48.08 | 56 | 63,364 | 1,260 | 19.89 | 16.72 |
| 12 | 98,505 | 743 | 7.54 | 47.45 | 57 | 62,104 | 1,325 | 21.34 | 16.05 |
| 13 | 97,762 | 740 | 7.57 | 46.80 | 58 | 60,779 | 1,394 | 22.94 | 15.39 |
| 14 | 97,022 | 737 | 7.60 | 46.16 | 59 | 59,385 | 1,468 | 24.72 | 14.74 |
| 15 | 96,285 | 735 | 7.63 | 45.50 | 60 | 57,917 | 1,546 | 26.69 | 14.10 |
| 16 | 95,550 | 732 | 7.66 | 44.85 | 61 | 56,371 | 1,628 | 28.88 | 13.47 |
| 17 | 94,818 | 729 | 7.69 | 44.19 | 62 | 54,743 | 1,713 | 31.29 | 12.86 |
| 18 | 94,089 | 727 | 7.73 | 43.53 | 63 | 53,030 | 1,800 | 33.94 | 12.26 |
| 19 | 93,362 | 725 | 7.77 | 42.87 | 64 | 51,230 | 1,889 | 36.87 | 11.67 |
| 20 | 92,637 | 723 | 7.81 | 42.20 | 65 | 49,341 | 1,980 | 40.13 | 11.10 |
| 21 | 91,914 | 722 | 7.86 | 41.53 | 66 | 47,361 | 2,070 | 43.71 | 10.54 |
| 22 | 91,192 | 721 | 7.91 | 40.85 | 67 | 45,291 | 2,158 | 47.65 | 10.00 |
| 23 | 90,471 | 720 | 7.96 | 40.17 | 68 | 43,133 | 2,243 | 52.00 | 9.47 |
| 24 | 89,751 | 719 | 8.01 | 39.49 | 69 | 40,890 | 2,321 | 56.76 | 8.97 |
| 25 | 89,032 | 718 | 8.07 | 38.81 | 70 | 38,569 | 2,391 | 61.99 | 8.48 |
| 26 | 88,314 | 718 | 8.13 | 38.12 | 71 | 36,178 | 2,448 | 67.57 | 8.00 |
| 27 | 87,596 | 718 | 8.20 | 37.43 | 72 | 33,730 | 2,487 | 73.73 | 7.55 |
| 28 | 86,878 | 718 | 8.26 | 36.73 | 73 | 31,243 | 2,505 | 80.18 | 7.11 |
| 29 | 86,160 | 719 | 8.35 | 36.03 | 74 | 28,738 | 2,501 | 87.03 | 6.68 |
| 30 | 85,441 | 720 | 8.43 | 35.33 | 75 | 26,237 | 2,476 | 94.37 | 6.27 |
| 31 | 84,721 | 721 | 8.51 | 34.63 | 76 | 23,761 | 2,431 | 102.31 | 5.88 |
| 32 | 84,000 | 723 | 8.61 | 33.92 | 77 | 21,330 | 2,369 | 111.06 | 5.49 |
| 33 | 83,277 | 726 | 8.72 | 33.21 | 78 | 18,961 | 2,291 | 120.83 | 5.11 |
| 34 | 82,551 | 729 | 8.83 | 32.50 | 79 | 16,670 | 2,196 | 131.73 | 4.74 |
| 35 | 81,822 | 732 | 8.95 | 31.78 | 80 | 14,474 | 2,091 | 144.47 | 4.39 |
| 36 | 81,090 | 737 | 9.09 | 31.07 | 81 | 12,383 | 1,964 | 158.61 | 4.05 |
| 37 | 80,353 | 742 | 9.23 | 30.35 | 82 | 10,419 | 1,816 | 174.30 | 3.71 |
| 38 | 79,611 | 749 | 9.41 | 29.62 | 83 | 8,603 | 1,648 | 191.56 | 3.39 |
| 39 | 78,862 | 756 | 9.59 | 28.90 | 84 | 6,955 | 1,470 | 211.36 | 3.08 |
| 40 | 78,106 | 765 | 9.79 | 28.18 | 85 | 5,485 | 1,292 | 235.55 | 2.77 |
| 41 | 77,341 | 774 | 10.01 | 27.45 | 86 | 4,193 | 1,114 | 265.68 | 2.47 |
| 42 | 76,567 | 785 | 10.25 | 26.72 | 87 | 3,079 | 933 | 303.02 | 2.18 |
| 43 | 75,782 | 797 | 10.52 | 26.00 | 88 | 2,146 | 744 | 346.69 | 1.91 |
| 44 | 74,985 | 812 | 10.83 | 25.27 | 89 | 1,402 | 555 | 395.86 | 1.66 |
| 45 | 74,173 | 828 | 11.16 | 24.54 | 90 | 847 | 385 | 454.55 | 1.42 |
| 46 | 73,345 | 848 | 11.56 | 23.81 | 91 | 462 | 246 | 532.47 | 1.19 |
| 47 | 72,497 | 870 | 12.00 | 23.08 | 92 | 216 | 137 | 634.26 | .98 |
| 48 | 71,627 | 896 | 12.51 | 22.36 | 93 | 79 | 58 | 734.18 | .80 |
| 49 | 70,731 | 927 | 13.11 | 21.63 | 94 | 21 | 18 | 857.14 | .64 |
| 50 | 69,804 | 962 | 13.78 | 20.91 | 95 | 3 | 3 | 1000.00 | .50 |
| 51 | 68,842 | 1,001 | 14.54 | 20.20 | | | | | |
| 52 | 67,841 | 1,044 | 15.39 | 19.49 | | | | | |
| 53 | 66,797 | 1,091 | 16.33 | 18.79 | | | | | |
| 54 | 65,706 | 1,143 | 17.40 | 18.09 | | | | | |

**MORTALITY TABLE AS PROVIDED IN ACT NO. 457,
APPROVED AUGUST 31, 1953**

Commissioners 1958 Standard Ordinary Mortality Table

| Age | Number Living | Deaths Each Year | Death Rate per 1,000 | Expectation of Life |
|-----|---------------|------------------|----------------------|---------------------|
| 0 | 10,000,000 | 70,800 | 7.08 | 68.30 |
| 1 | 9,929,200 | 17,475 | 1.76 | 67.78 |
| 2 | 9,911,725 | 15,066 | 1.52 | 66.90 |
| 3 | 9,896,659 | 14,449 | 1.46 | 66.00 |
| 4 | 9,882,210 | 13,835 | 1.40 | 65.10 |
| 5 | 9,868,375 | 13,322 | 1.35 | 64.19 |
| 6 | 9,855,053 | 12,812 | 1.30 | 63.27 |
| 7 | 9,842,241 | 12,401 | 1.26 | 62.35 |
| 8 | 9,829,840 | 12,091 | 1.23 | 61.43 |
| 9 | 9,817,749 | 11,879 | 1.21 | 60.51 |
| 10 | 9,805,870 | 11,865 | 1.21 | 59.58 |
| 11 | 9,794,005 | 12,047 | 1.23 | 58.65 |
| 12 | 9,781,958 | 12,325 | 1.26 | 57.72 |
| 13 | 9,769,633 | 12,896 | 1.32 | 56.80 |
| 14 | 9,756,737 | 13,562 | 1.39 | 55.87 |
| 15 | 9,743,175 | 14,225 | 1.46 | 54.95 |
| 16 | 9,728,950 | 14,983 | 1.54 | 54.03 |
| 17 | 9,713,967 | 15,737 | 1.62 | 53.11 |
| 18 | 9,698,230 | 16,390 | 1.69 | 52.19 |
| 19 | 9,681,840 | 16,846 | 1.74 | 51.28 |
| 20 | 9,664,994 | 17,300 | 1.79 | 50.37 |
| 21 | 9,647,694 | 17,655 | 1.83 | 49.46 |
| 22 | 9,630,039 | 17,912 | 1.86 | 48.55 |
| 23 | 9,612,127 | 18,167 | 1.89 | 47.64 |
| 24 | 9,593,960 | 18,324 | 1.91 | 46.73 |
| 25 | 9,575,636 | 18,481 | 1.93 | 45.82 |
| 26 | 9,557,155 | 18,732 | 1.96 | 44.90 |
| 27 | 9,538,423 | 18,981 | 1.99 | 43.99 |
| 28 | 9,519,442 | 19,324 | 2.03 | 43.08 |
| 29 | 9,500,118 | 19,760 | 2.08 | 42.16 |
| 30 | 9,480,358 | 20,193 | 2.13 | 41.25 |
| 31 | 9,460,165 | 20,718 | 2.19 | 40.34 |
| 32 | 9,439,447 | 21,239 | 2.25 | 39.43 |
| 33 | 9,418,208 | 21,850 | 2.32 | 38.51 |
| 34 | 9,396,358 | 22,551 | 2.40 | 37.60 |
| 35 | 9,373,807 | 23,528 | 2.51 | 36.69 |
| 36 | 9,350,279 | 24,685 | 2.64 | 35.78 |
| 37 | 9,325,594 | 26,112 | 2.80 | 34.88 |
| 38 | 9,299,482 | 27,991 | 3.01 | 33.97 |
| 39 | 9,271,491 | 30,132 | 3.25 | 33.07 |
| 40 | 9,241,359 | 32,622 | 3.53 | 32.18 |
| 41 | 9,208,737 | 35,362 | 3.84 | 31.29 |
| 42 | 9,173,375 | 38,253 | 4.17 | 30.41 |
| 43 | 9,135,122 | 41,382 | 4.53 | 29.54 |
| 44 | 9,093,740 | 44,741 | 4.92 | 28.67 |
| 45 | 9,048,999 | 48,412 | 5.35 | 27.81 |
| 46 | 9,000,587 | 52,473 | 5.83 | 26.95 |
| 47 | 8,948,114 | 56,910 | 6.36 | 26.11 |
| 48 | 8,891,204 | 61,794 | 6.95 | 25.27 |
| 49 | 8,829,410 | 67,104 | 7.60 | 24.45 |

**MORTALITY TABLE AS PROVIDED IN ACT NO. 457,
APPROVED AUGUST 31, 1953—Continued**
Commissioners 1958 Standard Ordinary Mortality Table

| Age | Number Living | Deaths Each Year | Death Rate per 1,000 | Expectation of Life |
|-----|---------------|------------------|----------------------|---------------------|
| 50 | 8,762,306 | 72,902 | 8.32 | 23.63 |
| 51 | 8,689,404 | 79,160 | 9.11 | 22.82 |
| 52 | 8,610,244 | 85,758 | 9.96 | 22.03 |
| 53 | 8,524,486 | 92,832 | 10.89 | 21.25 |
| 54 | 8,431,654 | 100,337 | 11.90 | 20.47 |
| 55 | 8,331,317 | 108,307 | 13.00 | 19.71 |
| 56 | 8,223,010 | 116,849 | 14.21 | 18.97 |
| 57 | 8,106,161 | 125,970 | 15.54 | 18.23 |
| 58 | 7,980,191 | 135,663 | 17.00 | 17.51 |
| 59 | 7,844,528 | 145,830 | 18.59 | 16.81 |
| 60 | 7,698,698 | 156,592 | 20.34 | 16.12 |
| 61 | 7,542,106 | 167,736 | 22.24 | 15.44 |
| 62 | 7,374,370 | 179,271 | 24.31 | 14.78 |
| 63 | 7,195,099 | 191,174 | 26.57 | 14.14 |
| 64 | 7,003,925 | 203,394 | 29.04 | 13.51 |
| 65 | 6,800,531 | 215,917 | 31.75 | 12.90 |
| 66 | 6,584,614 | 228,749 | 34.74 | 12.31 |
| 67 | 6,355,865 | 241,777 | 38.04 | 11.73 |
| 68 | 6,114,088 | 254,835 | 41.68 | 11.17 |
| 69 | 5,859,253 | 267,241 | 45.61 | 10.64 |
| 70 | 5,592,012 | 278,426 | 49.79 | 10.12 |
| 71 | 5,313,586 | 287,731 | 54.15 | 9.63 |
| 72 | 5,025,855 | 294,766 | 58.65 | 9.15 |
| 73 | 4,731,089 | 299,289 | 63.26 | 8.69 |
| 74 | 4,431,800 | 301,894 | 68.12 | 8.24 |
| 75 | 4,129,906 | 303,011 | 73.37 | 7.81 |
| 76 | 3,826,895 | 303,014 | 79.18 | 7.39 |
| 77 | 3,523,881 | 301,997 | 85.70 | 6.98 |
| 78 | 3,221,884 | 299,829 | 93.06 | 6.59 |
| 79 | 2,922,055 | 295,683 | 101.19 | 6.21 |
| 80 | 2,626,372 | 288,848 | 109.98 | 5.85 |
| 81 | 2,337,524 | 278,983 | 119.35 | 5.51 |
| 82 | 2,058,541 | 265,902 | 129.17 | 5.19 |
| 83 | 1,792,639 | 249,858 | 139.38 | 4.89 |
| 84 | 1,542,781 | 231,433 | 150.01 | 4.60 |
| 85 | 1,311,348 | 211,311 | 161.14 | 4.32 |
| 86 | 1,100,037 | 190,108 | 172.82 | 4.06 |
| 87 | 909,929 | 168,455 | 185.13 | 3.80 |
| 88 | 741,474 | 146,997 | 198.25 | 3.55 |
| 89 | 594,477 | 126,303 | 212.46 | 3.31 |
| 90 | 468,174 | 106,809 | 228.14 | 3.06 |
| 91 | 361,365 | 88,813 | 245.77 | 2.82 |
| 92 | 272,552 | 72,480 | 265.93 | 2.58 |
| 93 | 200,072 | 57,881 | 289.30 | 2.33 |
| 94 | 142,191 | 45,026 | 316.66 | 2.07 |
| 95 | 97,165 | 34,128 | 351.24 | 1.80 |
| 96 | 63,037 | 25,250 | 400.56 | 1.51 |
| 97 | 37,787 | 18,456 | 488.42 | 1.18 |
| 98 | 19,331 | 12,916 | 668.15 | .83 |
| 99 | 6,415 | 6,415 | 1000.00 | .50 |

The Expectation of Life is the average number of years which a large number of persons of any given age have yet to live; that is, the sum of the years which all will live divided by the number of persons.

COUNTY POPULATION
1960 FEDERAL CENSUS
1970 FEDERAL CENSUS*

| | 1960 | 1970 | | | |
|-----------|--------|---------|------------|-----------|-----------|
| Autauga | 18,739 | 24,460 | Houston | 50,718 | 56,574 |
| Baldwin | 49,038 | 59,382 | Jackson | 36,681 | 39,202 |
| Barbour | 24,700 | 22,543 | Jefferson | 634,864 | 644,991 |
| Bibb | 14,357 | 13,812 | Lamar | 14,271 | 14,335 |
| Blount | 25,449 | 26,853 | Lauderdale | 61,622 | 68,111 |
| Bullock | 13,462 | 11,824 | Lawrence | 24,501 | 27,281 |
| Butler | 24,560 | 22,007 | Lee | 49,754 | 61,268 |
| Calhoun | 95,878 | 103,092 | Limestone | 36,513 | 41,699 |
| Chambers | 37,828 | 36,356 | Lowndes | 15,417 | 12,897 |
| Cherokee | 16,303 | 15,606 | Macon | 26,717 | 24,841 |
| Chilton | 25,693 | 25,180 | Madison | 117,348 | 186,540 |
| Choctaw | 17,870 | 16,589 | Marengo | 27,098 | 23,819 |
| Clarke | 25,738 | 26,724 | Marion | 21,837 | 23,785 |
| Clay | 12,400 | 12,626 | Marshall | 48,018 | 54,211 |
| Cleburne | 10,911 | 10,996 | Mobile | 314,301 | 317,308 |
| Coffee | 30,583 | 34,872 | Monroe | 22,372 | 20,883 |
| Colbert | 46,506 | 49,632 | Montgomery | 169,210 | 167,790 |
| Conecuh | 17,762 | 15,645 | Morgan | 60,454 | 77,306 |
| Coosa | 10,726 | 10,662 | Perry | 17,358 | 15,388 |
| Covington | 35,631 | 34,079 | Pickens | 21,882 | 20,326 |
| Crenshaw | 14,909 | 13,188 | Pike | 25,987 | 25,038 |
| Cullman | 45,572 | 62,445 | Randolph | 19,477 | 18,331 |
| Dale | 31,066 | 62,938 | Russell | 46,351 | 45,394 |
| Dallas | 56,667 | 55,296 | Shelby | 32,132 | 38,037 |
| DeKalb | 41,417 | 51,981 | St. Clair | 25,388 | 27,956 |
| Elmore | 30,624 | 33,535 | Sumter | 20,041 | 16,974 |
| Escambia | 33,511 | 34,966 | Talladega | 65,495 | 65,280 |
| Etowah | 96,680 | 94,144 | Tallapoosa | 35,007 | 33,840 |
| Fayette | 16,148 | 16,252 | Tuscaloosa | 109,047 | 116,029 |
| Franklin | 21,988 | 23,933 | Walker | 54,211 | 56,246 |
| Geneva | 22,310 | 21,924 | Washington | 15,372 | 16,241 |
| Greene | 13,600 | 10,650 | Wilcox | 18,739 | 16,303 |
| Hale | 19,537 | 15,888 | Winston | 14,858 | 16,654 |
| Henry | 15,286 | 13,254 | Total | 3,266,740 | 3,444,165 |

*The ninetieth day after the first day of the first regular legislative session held after the publication of the official federal decennial census for Alabama is fixed by law as the date for any re-classification under any law requiring classification based on such census.

CITY POPULATION
1960 FEDERAL CENSUS
1970 FEDERAL CENSUS

| | 1960 | 1970 | | | |
|----------------|---------|---------|----------------|---------|---------|
| Albertville | 8,250 | 9,963 | Huntsville | 72,365 | 137,802 |
| Alexander City | 13,140 | 12,358 | Jacksonville | 5,678 | 7,715 |
| Andalusia | 10,263 | 10,092 | Jasper | 10,799 | 10,798 |
| Anniston | 33,657 | 31,523 | Lanett | 7,674 | 6,908 |
| Athens | 9,330 | 14,360 | Leeds | 6,162 | 6,991 |
| Atmore | 8,173 | 8,293 | Midfield | 3,556 | 6,399 |
| Attalla | 8,257 | 7,150 | Mobile | 202,779 | 190,026 |
| Auburn | 16,261 | 22,767 | Montgomery | 134,393 | 133,386 |
| Bay Minette | 5,197 | 6,727 | Mountain Brook | 12,680 | 19,474 |
| Bessemer | 33,054 | 33,428 | Muscle Shoals | 4,084 | 6,907 |
| Birmingham | 340,887 | 300,910 | Northport | 5,245 | 9,435 |
| Brewton | 6,309 | 6,747 | Opelika | 15,678 | 19,027 |
| Chickasaw | 10,002 | 8,447 | Opp | 5,535 | 6,493 |
| Cullman | 10,883 | 12,601 | Ozark | 9,534 | 13,553 |
| Decatur | 29,217 | 38,044 | Phenix City | 27,630 | 25,281 |
| Demopolis | 7,377 | 7,651 | Prattville | 6,616 | 13,116 |
| Dothan | 31,440 | 36,733 | Prichard | 47,371 | 41,578 |
| Enterprise | 11,410 | 15,591 | Russellville | 6,628 | 7,814 |
| Eufaula | 8,357 | 9,102 | Saraland | 4,595 | 7,840 |
| Fairfield | 15,816 | 14,369 | Scottsboro | 6,449 | 9,321 |
| Florence | 31,649 | 34,031 | Selma | 28,385 | 27,379 |
| Fort Payne | 7,029 | 8,435 | Sheffield | 13,491 | 13,116 |
| Gadsden | 58,088 | 53,928 | Sylacauga | 12,857 | 12,255 |
| Gardendale | 4,712 | 6,502 | Talladega | 17,742 | 17,662 |
| Greenville | 6,894 | 8,033 | Tarrant City | 7,810 | 6,835 |
| Guntersville | 6,592 | 6,491 | Troy | 10,234 | 11,482 |
| Hartselle | 5,000 | 7,355 | Tuscaloosa | 63,370 | 65,773 |
| Homewood | 20,289 | 21,245 | Tuscumbia | 8,994 | 8,828 |
| Hueytown | 5,997 | 7,095 | Tuskegee | 1,750 | 11,028 |
| | | | Vestavia Hills | 4,029 | 8,311 |

SUBJECT INDEX

REGULAR SESSION 1976

INDEX TO ACTS

EXPLANATORY NOTE—This is the second Index of Acts prepared with the assistance of electronic data processing. The form is therefore slightly different from past indexes. In this Index, a short descriptive summary of each act is filed under various key words. You are encouraged to scan all entries under a key-word for the act you want.

General Acts with local application on a population basis are indexed under the names of the counties or municipalities to which they apply according to the 1970 census as well as under the population classification itself. You should note that population classifications do not appear in numerical order under the key words. All act numbers refer to Acts of the Regular Session.

ABANDONED AUTOMOBILES

Circuit Ct., uniform fee for report of sale of abandoned auto,
Act 1205, Reg. Sess. 1975 am'd.—Act 564, S. 111 763

ABERNETHY, DR. THOMAS PERKINS

Abernethy, Dr. Thomas Perkins, death mourned—Act 44,
SJR 14 50

ACCOUNTANTS

Cities 70,000-135,000 (Montgomery), city books may not be
audited by same accountant two successive years, Act 618,
1973 Reg. Sess. am'd.—Act 592, H. 765 806

ACTS AMENDED

1939 Reg. Sess., Act No. 470, Mobile Co., civil service system,
personnel bd. increased, dist. estab.—Act 684, H. 594 939
1943 Reg. Sess., Act No. 431, notaries public, probate judge to
notify Sec. of St. of commission—Act 694, H. 942 961
1945 Reg. Sess., Act No. 515, Employees' Retirement System,
creditable service for certain employees of Clarke Co.—
Act 536, S. 733 699
1949 Reg. Sess., Act No. 207, mine safety, roof support and
ventilation requirements—Act 391, H. 133 496
1953 Reg. Sess., Act No. 404, cities 30,000-33,000 (Anniston),
council-manager form of gov't., mayor—Act 279, H. 1139 310
1953 Reg. Sess., Act No. 575, Escambia Co., Riverview to receive
share of beer tax—Act 517, H. 1265 661
1953 Reg. Sess., Act No. 793, legal notices, publication rate reg.
—Act 306, H. 464 339
1955 Reg. Sess., Act No. 470, Birmingham, police officers retire-
ment system, min. monthly benefits, retroactive effect—
Act 356, S. 81 399

| | |
|---|------|
| 1955 Reg. Sess., Act No. 470, Birmingham policemen's retirement system, average final salary for benefits altered—Act 595, H. 998 | 810 |
| 1957 Reg. Sess., Act No. 17, Bibb Co., sales and use tax, rate increased, disposition of revenue—Act 181, H. 113 | 170 |
| 1957 Reg. Sess., Act No. 343, competitive bidding on pub. contracts, minimum raised, cooperative purchasing—Act 751, H. 243 | 1032 |
| 1959 Reg. Sess., Act No. 11, Dallas Co., cert. co. officers, comp.—Act 489, H. 602 | 603 |
| 1959 Reg. Sess., Act No. 212, Dale Co., coroner, salary increased—Act 466, H. 874 | 583 |
| 1959 2nd Sp. Sess., Act No. 100, tomatoes, certain items used in production, sales tax exemption—Act 500, H. 279 | 626 |
| 1961 Reg. Sess., Act No. 663, elections, mun. election procedures for mayor-council form of gov't in muns. 300,000 or less—Act 358, S. 195 | 402 |
| 1961 Reg. Sess., Act No. 664, elections, municipal election procedures for commission form of gov't in muns. of 300,000 or less—Act 361, S. 196 | 425 |
| 1961 Reg. Sess., Act No. 970, counties 300,000-500,000 (Mobile Co.), mtr. veh. license tag or validation decal, fee for issuance by mail—Act 721, H. 1194 | 1004 |
| 1963 Reg. Sess., Act 571, poultry products, wrapping and packing materials, sales and use tax exemption to include pallets—Act 505, H. 932 | 632 |
| 1965 Reg. Sess., Act No. 225, Escambia Co., bd. of ed., comp.—Act 250, H. 978 | 287 |
| 1965 Reg. Sess., Act No. 236, counties 10,660-10,900 (Coosa Co.), bd. of ed., comp.—Act 552, H. 1163 | 737 |
| 1965 Reg. Sess., Act No. 497, Jefferson Co., retirement system for officers and employees, jt. survivorship pension option—Act 384, S. 620 | 484 |
| 1965 Reg. Sess., Act No. 520, Morgan Co., jury commission, comp. of members and clk., retroactive—Act 578, S. 544 | 786 |
| 1965 Reg. Sess., Act No. 549, uniform commercial code, "clearing corp." further defined—Act No. 679, H. 258 | 927 |
| 1965 Reg. Sess., Act No. 627, Elk River Development Agency, commercial and residential development authorized—Act 243, H. 177 | 273 |
| 1965 Reg. Sess., Act No. 645, Colbert Co., co. gov. body to determine new construction and road maintenance—Act 442, H. 920 | 542 |
| 1965 Reg. Sess., Act No. 663, Alabama Space Science Exhibit Commission, energy related activities included in mission—Act 587, H. 154 | 799 |
| 1966 Sp. Sess., Act No. 431, counties 500,000 or more (Jeff. Co.), sale of groceries on Sunday, number of employees—Act 756, S. 573 | 1040 |
| 1967 Reg. Sess., Act No. 194, counties 16,245-16,300 (Fayette Co.), sheriff's pistol permit fee—Act 734, H. 1283 | 1015 |
| 1967 Reg. Sess., Act No. 342, Trust instit., investment by affiliated trust instit. acting as fiduciary in common trust fund—Act 627, H. 769 | 861 |
| 1967 Reg. Sess., Act No. 551, Ala. Council on the Arts, change membership composition and term of office—Act 669, H. 840 | 952 |

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